United States Court of Appeals

for the Second Circuit

APPENDIX

76-6076

B

United States Court of Appeals

For the Second Circuit

P/S

Docket No. 76-6076

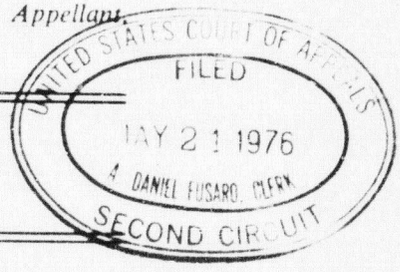
W. J. USERY, Secretary of Labor,
UNITED STATES DEPARTMENT OF LABOR,

Appellee,

against

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS, INTERNATIONAL MARITIME DIVISION, ILA, AFL-CIO,

Appellant.



JOINT APPENDIX

Volume I — 1a to 163a

MARVIN SCHWARTZ
Attorney for Appellant
243 Waverly Place
New York, N. Y. 10014

ROBERT B. FISKE, JR.
United States Attorney for the Southern District of New York
Attorney for Appellee
United States Courthouse
Foley Square
New York, N. Y. 10007

PAGINATION AS IN ORIGINAL COPY

TABLE OF CONTENTS

	PAGE
Docket Entries	A-E
Complaint	1a
Summons and Notice of Examination Before Trial	8a
Defendant's Answer to Complaint	13a
Defendant's Interrogatories	20a
Plaintiff's Answers to Defendant's Interrogatories and Exhibits Annexed	44a
Plaintiff's First Set of Interrogatories Exhibits and Notice to Take Deposition	139a
Plaintiff's Request for Admissions and Exhibits A to EE Annexed	144a
Defendant's Response to Plaintiff's Request for Admissions	560a
Defendant's Supplemental Response to Plaintiffs Request for Admissions	564a
Plaintiff's Order to Show Cause and Affidavit In Support of Motion	572a
Exhibits A-B Annexed to Show Cause and Plaintiff's Affidavits	579a
Order—Withdraw Application for Contempt	593a
Notice of Motion For Adjournment and Memo Endorsed on Motion Filed June 24, 1974	599a
Plaintiff's Additional Response to Demand for Information—Berry Addendum	604a
Exhibits HB-1 to HB-9 and HB-10A to HB-12	610a
Addendum to O'Hanlon Deposition	670a
Exhibit BPO 1A-BPO 1B to BPO 2-BPO 3	675a

PAGE

Order dated October 15, 1974 ..... 757a

Addendum to O'Callaghan Deposition 759a

Exhibits A to M 762a

Addendum to Lowen Deposition—Plus Exhibit "C" to Lowen Deposition 809a

Exhibits A to E Attached to Lowen Deposition 813a

Exhibit "C" to Addendum of Robert Lowen ... 866a

Defendant's Answer to Interrogatories 1010a

Exhibit A 1014a

Exhibit B 1060a

Plaintiff's Order to Show Cause and Affidavit of Dennison Young, Jr. 1063a

Affidavit of Rosemary S. Page 1073a

Plaintiff's Order to Show Cause 1076a

Exhibits A-1 to A-4 and B-C 1084a

Defendant's Memorandum of Law 1095a

Defendant's Reply Affidavit 1104a

Transcript of Proceedings Dated October 25, 1974 .. 1111a

Defendant's Additional Responses, Part II 1127a

Exhibit A 1129a

Defendant's Affidavit—Lowen 1161a

Defendant's Verification—Lowen 1162a

Depositions of George M. Tutle, Jr. and Orion A. Larsen Dated November 4, 1974 ..... 1164a

Defendant's Affidavit—Callaghan 1258a

Plaintiff's Notice of Motion for Summary Judgment 1259a

PAGE

Statement Pursuant to Rule 9(q) and Documents .. 1261a

Memorandum of Law In Support of Plaintiff's Motion for Summary Judgment 1585a

Depositions 1699a

Stipulation 1770a

Defendant's Notice of Motion, Cross Motion and Affidavit of Marvin Schwartz on Behalf of Union . 1774a

Exhibits A, B, C, Annexed to Affidavit of Marvin Schwartz 1830a

Affidavit of Thomas W. Gleason In Opposition to Motion for Summary Judgment 1833a

Memorandum on Behalf of Union 1857a

Defendant's Statement Under Rule 9(q) 1872a

Defendant's Statement in Support of Motion 1878a

Amicus Curiae Brief 1884a

Plaintiff's Reply Memorandum 1907a

Appendix Accompanying Plaintiff's Reply Memorandum 1984a

Deposition of American Arbitration Assoc. dated October 10, 1974 ..... 2116a

Deposition of American Arbitration Assoc. dated October 24, 1974 ..... 2164a

Deposition of American Arbitration Assoc. dated November 19, 1974 ..... 2186a

Deposition of American Arbitration Assoc. dated November 20, 1974 ..... 2202a

Deposition of American Arbitration Assoc. dated November 21, 1974 ..... 2222a

Transcript of Proceedings dated October 11, 1974 .. 2237a

Transcript of Proceedings dated October 15, 16, 1974 2244a

Transcript of Proceedings dated October 25, 1974 .. 2309a

PAGE

Deposition of Lowen dated May 23, 1974 ..... 2311a

Deposition of Lowen dated May 29, 1974 ..... 2425a

Deposition of O'Callaghan dated May 22, 1974 ..... 2527a

Continued Deposition of O'Callaghan dated June 27, 1974 ..... 2690a

Memorandum Opinion dated March 17, 1976—#44077 ..... 2860a

Judgment and Order dated April 15, 1976 ..... 2892a

Order of C. B. Motley, U.S.D.J. dated May 5, 1976 .. 2896a

Defendant's Notice of Appeal 2897a

Defendant's Undertaking for Costs on Appeal 2899a

Stipulation that Certain Documents be Transmitted as Part of the Record on Appeal 2903a

Signed and Notarized Copies of Final Pages of Callaghan Deposition 2906a

Copies of Final Pages of Lowen Deposition 2908a

Copies of Master Lists marked as Exhibits 2910a

Letter dated April 22, 1976 to Judge Motley 3022a

Letter dated April 1, 1976 to Judge Motley 3025a

Letter dated March 30, 1976 to Judge Motley 3033a

Proposed Counter-Judgment and Order Attached to Letter dated March 30, 1976 to Judge Motley 3036a

Letter dated March 23, 1976 to Judge Motley 3039a

Notice of Settlement and Proposed Counter Judgment and Order 3041a

Letter dated March 1, 1976 to Motley, *J.* 3046a

Letter dated February 26, 1976 to Motley, *J.* 3053a

PAGE

Judgment of United States Court of Appeals for the Second Circuit, etc. 3059a

Letter dated February 26, 1976 to Judge Motley annexed Appellants Brief 3079a

Letter dated January 15, 1976 to Motley, *J.* 3123a

Letter dated December 23, 1976 to Motley, *J.* 3126a

Letter dated November 25, 1976 to Motley, *J.* 3130a

Memorandum 3134a

Letter dated July 7, 1975 to Motley, *J.* 3150a

Letter dated June 25, 1975 to Motley, *J.* 3151a

Letter dated March 3, 1975 to Mr. Young from Motley, *J.* 3152a

Letter dated February 12, 1975 from Judge Motley to Mr. Cohen 3153a

Letter dated February 5, 1975 to Judge Motley 3160a

Letter dated October 15, 1974 from Mr. Young to Mr. Schwartz .....

DOCKET ENTRIES

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

72 CIV. 5031

D. C. Form No. 106 Rev.

TITLE OF CASE	ATTORNEYS
JAMES D. HODGSON, Secretary of Labor, United States Department of Labor. -v- INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS, INTERNATIONAL MARITIME DIVISION, ILA, AFL-CIO.	For plaintiff: U.S. Atty S.D.N.Y. U.S. Courthouse Foley Sq. N.Y. 10007 Tel: 264-6332 PARKER, 1974 UNITED STATES COURT OF APPEALS FILED MAY 17 1976 A. DANIEL FUSARO, CLERK SECOND CIRCUIT For defendant: MARVIN SCHWARTZ 243 Waverly Place New York, N.Y. 1001 691-2250

STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB
J.S. 5 mailed X	Clerk					
J.S. 6 mailed	Marshal					
RE-OPENED 5-5-76						
Basis of Action: Violation of Labor-Management Reporting and Disclosure Act of 1959, 29 U.S.C. 401.	Docket fee					
	Witness fees					
Action arose at:	Depositions					

BEST COPY AVAILABLE

(PG. #2) 72 CV. 5031

DATE	PROCEEDINGS	Date Order Judgment N
v 28-72	Filed Complaint and issued summons.	
. 14-72	Filed summons & marshals return deft served on 12-6-72 by U.S.M. Edward Brown.	
c.22-72	Filed Defts notice of examination before trial.	
c.22-72	Filed DEFTS ANSWER TO THE COMPLAINT.	M.S.
c.22-72	Filed Deft Notice of examination before trial.	
b.7-73	Filed Defendant's Interrogatories.	
r.5-73	Filed pltff's answers to deft's interro gs.	
y.17-73	Filed pltff's first set of interrogs.	
1.2-73	Filed pltff's request for admissions.	
1 5-73	Filed pltffs notice to take deposition of the deft. on 8/9/73 by Joseph Valensi	
5-73	Filed pltffs notice to take deposition of the deft. on 8/21/73 by Joseph Caier.	
1 5-73	Filed pltffs notice to take deposition of the deft. by T.F. OCallaghan on 8/3/73	
1 5-73	Filed pltffs notice to take deposition of deft. by Robert Nelson on 8/7/73	
1 5-73	Filed pltffs notice to take depoistion of the deft. by Robert J. Lowen on 8/1/73	
g 1-73	Filed defts response to pltffs request for admissions.	
g.17-73	Filed deft's supplemental response to pltff's request for admissions	
p 10-73	Filed defts Notice to take deposition of pltff re: production of documents etc. on 10-30-73.	
p 10-73	Filed defts Notice to take deposition of pltff by its representative the area Administrator for the State of Texas re: production of documents on 10-16-73.	
p 10-73	Filed defts Notice to take deposition of pltff by its representative for the States of Oregon and Washington and for San Francisco, Calif. on 10-9-73.	
p 10-73	Filed defts Notice to take deposition of pltff by its representative, the Area Administrator for the State of Louisiana on 10-23-73.	
Y 13-74	PRE-TRIAL CONFERENCE HELD BY RABY, M.S. MAG.	
n26-74	Filed pltffs Affidavit & Order to Show Cause: It is hereby ordered that Marvin Schsartz show cause before Motley J. on 6-26-74, why a judgment should not be entered holding him in contempt of this Court for violating and disregarding the directive of the Hon. Harold J. Raby, etc. as indicated.	
he 25-74	Pre-trial conference held- Raby, U.S. Mag.	
y 5-74	Filed Order- that the application for ajudgment of contempt is withdrawn with the consent of Magistrate Harold J. Raby- that Thomas F. OCallaghan, president of the deft., etc. be produced at 10:30 a.m. on Thursday, 6-27-74 at the office of the U.S. Atty., etc. for the completion of his deposition- and that the pltff. will expeditiously furnish the documents and answers previously agreed to during the course of the depositions of Henry W. Berry and Brian P. O'Hanlon representatives of the pltff. MOTLEY, J. - (m/n)	
epll-74	Filed memo endorsed on motion filed 6-24-74: The within motion is dismissed as moot, Mo	
ept 13-74	Filed pltff's additional responses to demands for information.	
p24-74	Filed letter f rom members of the I.O.M.M.P. to Motley, J.	
p. 26-74	Filed pltff's notice of taking deposition of the American Arbitration Association etc. on 10-10-74.	
t. 4-74	Filed addendum to O'Hanlon deposition	
t. 15-74	Filed Order- that deft. shall supply to pltff. no later than 10-15-74 all information, (Te etc. which pltff. requested during depositions of Captain O'Callaghan and Captain Lowen- respond fully by 10-15-74 to pltff's interrogs. served 5-17-73 and produce Robert H. Nelson and Joseph Valensi as indicated for the purpose of taking depositions, etc. during the week of 10-21-74. MOTLEY, J. (m/n)	
. 16-74	Filed Addendum to O'Callaghan deposition	
. 21-74	Filed Addendum to Lowen deposition	
t. 22-74	Filed pltff's notice of taking deposition of deft. by R.J. "Rupe" Soriano and Lester Reynolds on 11-5-74	
ct. 22-74	Filed pltff's notice of taking deposition of deft. by William M. Caldwell, Orion Larson and George H. Tuttle, Jr. on 10-31-74.	

(CONT'D - PAGE #3)

CIVIL DOCKET (PAGE # 3) MOTLEY, J.

DATE	FILINGS—PROCEEDINGS	AMOUNT REPORTED IN EMOLUMENT RETURNS
Oct. 22-74	Filed pltff's notice of taking deposition of deft. by Henry C. Walther and Nick Barbara on 10-30-74	
Oct. 22-74	Filed pltff's notice of taking deposition of deft. by Charles W. Wallace on 11-4-74	
Oct. 22-74	Filed deft's answers to interrogs.	
Oct. 24-74	Filed pltff's affdvt. and Order to Show Cause why the American Arbitration Association should not be ordered to produce all documents the AAA has heretofore failed to produce as well as all other documents which may be subject to the subpoena mentioned, etc. Ret. 10-23-74. MOTLEY, J.	
Oct. 25-74	Filed pltff's affdvt. and Order to Show Cause why the deft's application to quash four notices to take depositions should not be denied and why an order should notbe granted directing that said depositions be taken as scheduled. MOTLEY, J. Ret. 10-25-74	
Oct. 25-74	Filed deft's memorandum of law.	
Oct. 25-74	Filed deft's reply affdvt. of Burton M. Epstein	
Oct. 30-74	Filed transcript of record of proceedings, dated 10-25-74	
Nov. 14-74	Filed part two of defts. additional responses to demands for information made by pltff. during the deposition of Thomas F. O'Callaghan	
Nov. 19-74	Filed deft's affdvt. of Robert J. Lowen	
Nov. 19-74	Filed deft's verification of Robert J. Lowen	
Nov. 26-74	Filed deposition of George M. Tuttle, Jr. dated 11-4-74	
Nov. 26-74	Filed deposition of Orion A. Larson dated 11-4-74	
Nov. 26-74	Filed depsition of Capt. William Caldwell dated 11-4-74	
Dec. 11-74	Filed deft. International Organization of Masters, Mates & Pilots affdvt. of Thomas F. O'Callaghan	
Dec. 17-74	Filed pltff's notice of motion for an order for summary judgment. Ret. 1-2-75.	
Dec. 17-74	Filed memorandum of law in support of pltff's motion for summary judgment.	
Dec. 18-74	Filed sealed manila envelope of deposition of Charles William Wallace taken on 11-5-74	
Dec. 18-74	Filed sealed manila envelope of deposition of Rupert James Soriano taken on 11-5-74	
Dec. 18-74	Filed sealed manila envelope of deposition of Lester L. Reynolds taken on 11-5-74	
Jan. 14-75	Filed stip & order that the notices to depose are withdrawn and that deft's time to respond to pltff's motions for summary judgment be extended from 1-2-75 to 1-23-75. So ordered- MOTLEY, J.	
	(CONT'D --PAGE # 4--other side)	

D. C. 110

DATE	FILINGS—PROCEEDINGS	AMOUNT REPORTED IN EMOLUMENT RETURNS
n. 23-75	Filed deft's affdvts. and notice of motion and cross-motion for an order granting partial summary judgment dismissing from the complaint certain alleged viblations described as indicated- and for an order for summary judgment dismissing from complaint, an alleged violation as indicated. Ret. 2-6-75.	
an. 23-75	Filed memorandum on behalf of Union (deft.)	
n. 23-75	Filed deft's statement in response to pltff's statement under Rule 9(g)	
n. 23-75	Filed Statement of deft. in support of its independent motion for summary judgment or in the alternative for partial summary judgment under Rule 9 (g)	
ar. 20-75	Filed Amicus Curae brief on behalf of Frank T. Scavo, Gerald L. Johnson and Timothy Brown	(To CB
ay 23-75	Filed pltff's reply memorandum	
une 9-75	Filed deposition of American Arbitration Association by Patricia Leptak taken 10-10-74	
une 9-75	Filed deposition of American Arbitration Association by Frieda Abele taken 10-24-74	
ne 9-75	Filed deposition of AmericanArbitration Association , etc. as indicated , taken 11-19-74	
ne 9-75	Filed continued deposition of American Arbitration Association, etc. as indicated taken 11-20-74	
une 9-75	Filed continued deposition of American Arbitration Associaation , etc. as indicated taken 11-21-74.	
une 9-75	Filed transcript of record of proceedings, dated 10-11-74	
une 9-75	Filed transcript of record of proceedings, dated 10-15,16-74	
ne 9-75	Filed transcript of record of proceedings, dated 10-25-74	
une 16-75	Filed deposition of RobertJ. Lowen taken 5-23-74	
ne 16-75	Filed continued deposition of Robert J. Lowen taken 5-29-74	
ne 16-75	Filed deposition of Thomas F. O'Callghan taken on 5-22-74	
une 16-75	Filed continued deposition of Thomas F. O'Callaghan taken on 7-27-74	
03-17-76	Filed memorandum- Opinion #44077-- for the reasons stated, this court sees fit to grant pltff's motion for summary judgment, declaring the 1971 election of officers conducted by the deft void and ordering a new election under the supervision of the Secretary of Labor. In so doing, the court does not feel it necessary to consider the additional four violations alleged by the Secretary as the basis for his summary judgment motion, since the Newsletter violation, upon which the motion is granted, comprehends all of the contests in the election which are involved in the additional alleged violations and any decision regarding such violations would not affect the ultimate disposition of the case. Within five days of receipt of this opinion, submit order on notice. So ordered- MOTLEY,	

(CONT'D — PAGE #5)

72 CIV. [illegible]

MASTERS, MATES, PILOTS, etc.

J.S. 110 Rev. Civil Docket Continuation (PAGE # 5) (MOTLEY, J.)

DATE	PROCEEDINGS	Date Ord. Judgment
04-15-76	Filed Judgment and Order-- that the 1971 election of all International officers of the deft. union, International Organization of Masters, Mates and Pilots and all the officers of the deft union's Offshore Division is declared void- and that a new election under the supervision of the Secretary of Labor [illegible] shall be conducted no later than 12-31-76 as indicated. MOTLEY, J. Judgment entered 4-15-76. Clerk (m/n)	
05-05-76	Filed Order-- that this court's order signed on 4-14-76 be amended nunc pro tunc to reflect that fact that the date of signature by this court was 4-14-76-- and that this case shall be reinstated to the list of open cases before this court until the new election mandated in such order has been certified as indicated. So ordered- MOTLEY, J. (m/n)	
05-05-76	Filed deft's notice of appeal to the USCA from all of the Judgment and Order entered on 04-15-76. Copy mailed to: U.S. Attorney for the SDNY - ent. 05-06-76	
5-5-76	Filed bond for costs on appeals in amount of $250.00 (US Fidelity & Guarantee Co.)	
5-17-76	Filed stipulation that certain unfiled documents be transmitted to USCA as part of the record on appeal.	

A TRUE COPY
RAYMOND F. BURGHARDT, Clerk
By [signature]
Deputy Clerk

BEST COPY AVAILABLE

COMPLAINT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE MOTLEY

JAMES D. HODGSON,
Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

INTERNATIONAL ORGANIZATION
OF MASTERS, MATES AND PILOTS,
INTERNATIONAL MARITIME DIVISION,
ILA, AFL-CIO,

Defendant.

72 CIV. 5031

COMPLAINT

72 Civ.

NOV 10 10 07 AM '72

Plaintiff, by its attorney, Whitney North Seymour, Jr., United States Attorney for the Southern District of New York, for its complaint herein, alleges as follows:

I

Plaintiff brings this action under Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (Act of September 14, 1959, 73 Stat. 519 et seq., 29 U.S.C. 401 et seq.), hereinafter referred to as the Act.

II

Jurisdiction of this action is conferred upon the Court by section 402(b) of the Act (29 U.S.C. 482(b)).

III

Defendant, International Organization of Masters, Mates and Pilots, International Maritime Division, ILA, AFL-CIO, is, and at all times hereinafter mentioned has been, an unincorporated association maintaining its principal office at 39 Broadway, City of New York, County of New York, State of New York, within the jurisdiction of this Court.

IV

Defendant is, and at all times relevent to this action has been, a labor organization engaged in an industry affecting commerce within the meaning of sections 3(i), 3(j) and 401(a) of the Act (29 U.S.C. 402(i), 402(j) and 481(a)).

V

Defendant is affiliated with the International Longshoremen's Association, an international labor organization engaged in an industry affecting commerce within the meaning of sections 3(i) and 3(j) of the Act (29 U.S.C. 402(i) and 402(j)).

VI

Defendant, purporting to act pursuant to its Constitution and By-Laws, conducted an election of officers by mail ballot during the period from September 21, 1971 to December 22, 1971, which election was subject to the provisions of Title IV of the Act (29 U.S.C. 481 et seq.).

VII

The conduct of the aforesaid election was protested by 16 members in good standing of defendant at various times to the International Ballot Committee before and on the day of the ballot tally, December 12, 1971. Protests were also presented to the International Ballot Committee at various times subsequent to the ballot tally. The International Secretary-Treasurer, on behalf of the International Ballot Committee, by letter dated January 7, 1972, informed the complainants that they must appeal all rulings of the International

Ballot Committee to the General Executive Board. Having received adverse decisions on many of the protests lodged with the International Ballot Committee, the complainants, by letter dated January 19, 1972, filed a protest with the General Executive Board. In response, the General Executive Board, in an undated letter postmarked February 29, 1972, advised the complainants that the appeals were denied. The complainants, having exhausted all available internal remedies, filed a complaint with the plaintiff on March 29, 1972.

VIII

Plaintiff investigated the said complaint pursuant to section 601 of the Act (29 U.S.C. 521) and in accordance with section 402(b) of the Act (29 U.S.C. 482(b)), and, as a result of facts shown by his investigation, found probable cause to believe that violations of Title IV of the Act (29 U.S.C. 401) had occurred and had not been remedied at the time of the institution of this action.

IX

Defendant, in the conduct of the aforesaid election violated the following provisions of Title IV of the Act (29 U.S.C. 401):

(a) section 401(g) of the Act (29 U.S.C. 481(g)) in that union funds received by way of dues, assessment, or similar levy, were expended to promote the candidacy of certain persons in the election;

(b) section 401(e) of the Act (29 U.S.C. 481(e)) in that:

(i) members in good standing were denied the right to be candidates and hold office,

(ii) members in good standing were denied a reasonable opportunity for the nomination of candidates,

(iii) members in good standing were denied the right to vote for or otherwise support the candidate or candidates of their choice, and

(iv) defendant failed to conduct the election in accordance with its Constitution and By-Laws;

(c) section 401(c) of the Act (29 U.S.C. 481(c)) in that:

(i) members were denied the right to inspect lists containing the names and last known addresses of all members of defendant,

(ii) defendant failed to comply with all reasonable requests of candidates to distribute by mail or otherwise at the candidate's expense campaign literature in aid of such person's candidacy,

(iii) defendant failed to treat candidates equally with respect to the distribution of campaign literature, and

(iv) defendant discriminated against candidates with respect to the use of membership lists.

X

The violations of sections 401(c), 401(e) and 401(g) of the Act (29 U.S.C. 481(e), 481(e) and 481(g)) found and alleged above may have affected the outcome of the election.

WHEREFORE, plaintiff prays for judgment:

(a) declaring the election for all offices conducted by defendant on September 21 through December 21, 1971, to be null and void;

(b) directing a new election for all offices of defendant under the supervision of the plaintiff;

(c) for the costs of this action; and

(d) for such other relief as may be appropriate.

RICHARD F. SCHUBERT
Solicitor of Labor

BEATE BLOCH
Associate Solicitor

FRANCIS V. LARUFFA
Regional Solicitor

ROBERT K. SALYERS
Attorney

U. S. Department of Labor
Of Counsel

HARLINGTON WOOD, JR.
Assistant Attorney General

United States Attorney

HARLAND F. LEATHERS
Attorney, Department of Justice

Attorneys for Plaintiff

AFFIDAVIT OF PERSONAL SERVICE

STATE OF NEW YORK }
COUNTY OF NEW YORK } SS

_____ being duly sworn,

deposes and says that he is employed in the office of _____

_____ United States Attorney for

the Southern District of New York, attorney for the _____

herein.

That on the _____ day of _____, 19___, he did serve a true copy of

the hereto annexed _____

_____

on the office of _____

attorney for the _____ herein, located at _____

_____

Borough of _____, City of New York, by leaving a true copy of the same with the person in charge of said office, there being no one present who was authorized to give an admission of service.

_____

Sworn to before me this

_____ day of _____, 19_____

_____

AFFIDAVIT OF MAILING

STATE OF NEW YORK }
COUNTY OF NEW YORK } SS

_____ being duly sworn,

deposes and says that he is employed in the office of the United States Attorney for the Southern District of New York.

That on the _____ day of _____, 19___, he served a copy of the within

_____

by placing the same in a properly franked envelope addressed to: _____

_____

_____

_____

And deponent futher says that he sealed the said envelope and placed the same in the mail chute drop for mailing in the United States Courthouse, Foley Square, Borough of Manhattan, City of New York.

_____

Sworn to before me this

_____ day of _____, 19___

Sir:

You will please take notice that a _____ of which the within is a copy, was this day duly entered in the within entitled action, in the office of the Clerk of this Court.

Dated, N. Y., _____, 19____

Yours, etc.,

_____
United States Attorney
Attorney for _____

To

_____
Attorney for _____

Sir:

Please take notice that the within _____ will be presented for settlement and signature to the Honorable _____ United States District Judge, at the office of the Clerk, Room 601, United States Courthouse, Foley Square, Borough of Manhattan, City of New York, on the ____ day of _____, 19____, at 10:30 o'clock in the _____ noon or as soon thereafter as counsel can be heard.

Dated, N. Y., _____, 19____

Yours, etc.,

_____
United States Attorney
Attorney for _____

To

_____
Attorney for _____

Form No. USA-33s-270
(Rev. 10-25-65)

United States District Court

SOUTHERN DISTRICT OF NEW YORK

JAMES D. HODGSON,
Secretary of Labor,
United States Department of Labor,
Plaintiff,

-v-

INTERNATIONAL ORGANIZATION
OF MASTERS, MATES AND PILOTS,
INTERNATIONAL MARITIME DIVISION,
ILA, AFL-CIO,
Defendant.

SUMMONS & COMPLAINT

72 Civ. _____

WHITNEY NORTH SEYMOUR, Jr.
TEL. ~~268-3311~~ 264-6332
United States Attorney
Attorney for Plaintiff.

Due service of a copy of the within is hereby admitted.

New York, _____, 19____

_____
Attorney for

To

_____
Attorney for

PPI—8S—2-22-71—80M—7015

SUMMONS

8a

USA-33s-304 SUMMONS

JUDGE MOTLEY

JDD:ais

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

72 CIV. 5031

JAMES D. HODGSON,
Secretary of Labor,
United States Department of Labor,
Plaintiff,

- v -

INTERNATIONAL ORGANIZATION
OF MASTERS, MATES AND PILOTS,
INTERNATIONAL MARITIME DIVISION,
ILA, AFL-CIO,

Defendant .

SUMMONS

Civil Action

72 Civ.

FILED
DEC 14 12 12 PM '72
U.S. DISTRICT COURT
S.D. OF N.Y.

RECEIVED
U.S. MARSHAL
DEC 13 2 00 PM '72
SDNY

TO THE ABOVE-NAMED DEFENDANT :

You are hereby summoned and required to serve upon Whitney North Seymour, Jr. , United States Attorney for the Southern District of New York, plaintiff's attorney whose address is United States Court House, Foley Square, New York, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

JOHN LIVINGSTON
Clerk of Court

Deputy Clerk

(Seal of the U. S. District Court)

Dated: NOV 28 1972

(This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.)

2

72-3882 9a

U.S. MARSHALS SERVICE
INSTRUCTION AND PROCESS RECORD

INSTRUCTIONS: See "INSTRUCTIONS FOR SERVICE OF PROCESS BY THE U.S. MARSHAL" on the reverse of the last (No. 5) copy of this form. Please type or print legibly, insuring readability of all copies. Do not detach any copies. CBM

PLAINTIFF: JAMES D. HODGSON, DEP'T OF LABOR — COURT NUMBER: 72 Civ. 5031

DEFENDANT: INT'L ORGANIZATION OF MASTERS' MATES & PILOTS — TYPE OF WRIT: S & C

SERVE → NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN: INT'L ORGANIZATION OF MASTERS, MATES & PILOTS, AFL-CIO

AT → ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code): 39 BROADWAY, NEW YORK N.Y. 10006

SEND NOTICE OF SERVICE COPY TO NAME AND ADDRESS BELOW:

Joseph D. Dawas AUSA
Rm 337
U.S. Courthouse Foley Sq
N.Y.C.

Show number of this writ and total number of writs submitted, i.e., 1 of 1, 1 of 3, etc. → NO. 1 OF TOTAL 1

CHECK IF APPLICABLE:
☐ One copy for U. S. Attorney or designee and two copies for Attorney General of the U. S. included.

SHOW IN THE SPACE BELOW AND TO THE LEFT ANY SPECIAL INSTRUCTIONS OR OTHER INFORMATION PERTINENT TO SERVING THE WRIT DESCRIBED ABOVE.

SPECIAL INSTRUCTIONS:

Personally serve a union officer, director, or manager at the Union headquarters.

NAME AND SIGNATURE OF ATTORNEY OR OTHER ORIGINATOR: Joseph D. Dawas AUSA — TELEPHONE NUMBER: 264-6334 — DATE: 11/27/72

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

Show amount of deposit (or applicable code) and sign USM-285 for first writ only if more than one writ submitted. → DEPOSIT/CODE: G — DIST. OF ORIGIN: 50 — DISTRICT TO SERVE: 57 — LOCATION OF SUB-OFFICE OF DIST. TO SERVE:

I acknowledge receipt for the total number of writs indicated and for the deposit (if applicable) shown. — SIGNATURE OF AUTHORIZED USMS DEPUTY OR CLERK: M. P. Cunard — DATE: 12/5/72

☑ I hereby certify and return that I have personally served, have legal evidence of service, or have executed as shown in "REMARKS," the writ described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., at the address inserted below.

☐ I hereby certify and return that, after diligent investigation, I am unable to locate the individual, company, corporation, etc., named above within this Judicial District.

NAME AND TITLE OF INDIVIDUAL SERVED (If not shown above): B. WATSON, EXEC SECRETARY

☐ A person of suitable age and discretion then abiding in the defendant's usual place of abode.

ADDRESS (Complete only if different than shown above):

FEE (If applicable): $ 5.00 — MILEAGE: $ .36

DATE(S) OF ENDEAVOR (Use Remarks if necessary) — DATE OF SERVICE: 12/6/72 — TIME: 10:— ☑ AM ☐ PM — SIGNATURE OF U. S. MARSHAL OR DEPUTY: Edward Kuhn

REMARKS

D 127

USM-285 (Ed. 7-1-70) — 1. CLERK OF THE COURT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Dec 22 10 54 AM '72

----------X

JAMES D. HODGSON,
Secretary of Labor,
United States Department of Labor,

Plaintiff,

-against-

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS, INTERNATIONAL MARITIME DIVISION, ILA, AFL-CIO,

Defendant.

----------X

NOTICE OF EXAMINATION BEFORE TRIAL

72 Civ.5031 CBM

S I R S :

PLEASE TAKE NOTICE that the defendant will take the examination before trial of the plaintiff by its representative HENRY W. BERRY, before a Notary Public or some other officer authorized by law to administer oaths, commencing the 23rd day of January, 1973, at 10:00 A.M. in the forenoon, at the office of MARVIN SCHWARTZ, 243 Waverly Place, New York, New York 10014, and the same will be continued from day to day until completed; and that you bring with you and produce at the time and place aforesaid, any and all documents and/or records, or any other material relating directly or indirectly to the above-captioned matter.

Dated: New York, New York
December 21, 1972

MARVIN SCHWARTZ

Attorney for Defendant
243 Waverly Place
New York, New York 10014

TO: WHITNEY NORTH SEYMOUR, JR.
Attorney for Plaintiff
U.S. Attorney's Office
U.S. Courthouse
Foley Square
New York, New York

Att: Joseph D. Danas, Esq.

STATE OF NEW YORK, COUNTY OF

CERTIFICATION BY ATTORNEY

The undersigned, an attorney admitted to practice in the courts of New York State, certifies that the within has been compared by the undersigned with the original and found to be a true and complete copy.

Dated:

STATE OF NEW YORK, COUNTY OF

ATTORNEY'S AFFIRMATION

The undersigned, an attorney admitted to practice in the courts of New York State, shows: that deponent is the attorney(s) of record for in the within action; that deponent has read the foregoing and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true. Deponent further says that the reason this verification is made by deponent and not by

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

Dated:

STATE OF NEW YORK, COUNTY OF ss.:

INDIVIDUAL VERIFICATION

, being duly sworn, deposes and says that deponent is the in the within action; that deponent has read the foregoing and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true.

Sworn to before me, this day of 19

STATE OF NEW YORK, COUNTY OF ss.:

CORPORATE VERIFICATION

, being duly sworn, deposes and says that deponent is the of the corporation named in the within action; that deponent has read the foregoing and knows the contents thereof; and that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters deponent believes it to be true.

This verification is made by deponent because is a corporation. Deponent is an officer thereof, to-wit, its

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

Sworn to before me, this day of 19

STATE OF NEW YORK, COUNTY OF NEW YORK ss.:

AFFIDAVIT OF SERVICE BY MAIL

Patricia A. Monaco being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at 140 Seventh Ave., New York, N.Y. 10011

That on the 21st day of December, 1972 deponent served the within Notice of Examination Before Trial upon Whitney North Seymour, Jr., Esq. attorney(s) for Plaintiff in this action, at U.S. Dept. of Justice, Southern District of N.Y. Foley Square, New York, N.Y.10007 the address designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in — a post office — official depository under the exclusive care and custody of the United States post office department within the State of New York.

Sworn to before me, this 21st day of December, 1972

Patricia A. Monaco

[illegible]
NOTARY PUBLIC, State of New York
No. [illegible] Qualified in New York County
Commission Expires March 30, 1974

STATE OF NEW YORK, COUNTY OF ss.:

AFFIDAVIT OF PERSONAL SERVICE

being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at

That on the day of 19 at No. deponent served the within upon herein, by delivering a true copy thereof to personally. Deponent knew the person so served to be the person mentioned and described in said papers as the therein.

Sworn to before me, this day of 19

12a

NOTICE OF ENTRY

Sir:- Please take notice that the within is a *(certified)* true copy of a
duly entered in the office of the clerk of the within named court on 19

Dated,

Yours, etc.,

MARVIN SCHWARTZ, P.C.

Attorney for

Office and Post Office Address

243 Waverly Place

Borough of Manhattan New York, N. Y. 10014

To

Attorney(s) for

NOTICE OF SETTLEMENT

Sir:—Please take notice that an order

of which the within is a true copy will be presented for settlement to the Hon.

one of the judges of the within named Court, at

on the day of 19

at M.

Dated,

Yours, etc.,

MARVIN SCHWARTZ, P.C.

Attorney for

Office and Post Office Address

243 Waverly Place

Borough of Manhattan New York, N. Y. 10014

To

Index No. 5031 CBM Year 19 72

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES D. HODGSON,
Secretary of Labor,
U.S. Department of Labor,

Plaintiff,

-against-

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS, INTERNATIONAL MARITIME DIVISION, ILA, AFL-CIO,

Defendant.

NOTICE OF EXAMINATION BEFORE TRIAL

MARVIN SCHWARTZ, P.C.

Attorney for Defendant

Office and Post Office Address, Telephone

243 Waverly Place

Borough of Manhattan New York, N. Y. 10014

691-2250

To

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

.....

Attorney(s) for

Defendant's Answer to Complaint

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Dec 22 10 54 AM '72

----------X

JAMES D. HODGSON,
Secretary of Labor,
United States Department of Labor,

Plaintiff,

-against-

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS, INTERNATIONAL MARITIME DIVISION, ILA, AFL-CIO,

Defendant.

----------X

ANSWER

72 Civ. 5031 (CBM)

Defendant by its attorney Marvin Schwartz, answering the complaint of the plaintiff herein, alleges as follows:

1. Admits the allegations contained in Paragraph I of the complaint.

2. Admits the allegations contained in Paragraph II of the complaint.

3. Admits the allegations contained in Paragraph III of the complaint.

4. Denies the allegations contained in Paragraph IV of the complaint.

5. Denies the allegations contained in Paragraph V of the complaint.

6. Admits the allegations contained in Paragraph VI of the complaint.

7. Denies the allegations contained in Paragraph VII of the complaint.

8. Admits so much of Paragraph VIII that alleges that plaintiff conducted an investigation, but denies the other allegations contained in such paragraph.

9. Denies the allegations contained in Paragraph IX of the complaint.

10. Denies the allegations contained in Paragraph X of the complaint.

As And For A First Affirmative Defense

11. The complaining union members (Complainants) referred to in Paragraph VII of the complaint failed to file a complaint relative to the election with the plaintiff within the time requirements set forth in 29 U.S.C. Sect. 482.

As And For A Second Affirmative Defense

12. The complaint fails to state a cause of action upon which relief can be granted.

WHEREFORE, defendant demands judgment dismissing the complaint herein, together with the costs and disbursements of this action.

Dated: New York, New York
December 21, 1972

MARVIN SCHWARTZ

Attorney for Defendant
243 Waverly Place
New York, New York 10014
691-2250

COPYRIGHT 1968

STATE OF NEW YORK, COUNTY OF

CERTIFICATION BY ATTORNEY

The undersigned, an attorney admitted to practice in the courts of New York State, certifies that the within has been compared by the undersigned with the original and found to be a true and complete copy.

Dated: .....

STATE OF NEW YORK, COUNTY OF

ATTORNEY'S AFFIRMATION

The undersigned, an attorney admitted to practice in the courts of New York State, shows: that deponent is

the attorney(s) of record for
in the within action; that deponent has read the foregoing
and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true. Deponent further says that the reason this verification is made by deponent and not by

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

Dated: .....

STATE OF NEW YORK, COUNTY OF ss.:

INDIVIDUAL VERIFICATION

, being duly sworn, deposes and says that deponent is the in the within action; that deponent has read the foregoing and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true.

Sworn to before me, this day of 19 _____

STATE OF NEW YORK, COUNTY OF ss.:

CORPORATE VERIFICATION

, being duly sworn, deposes and says that deponent is the of the corporation named in the within action; that deponent has read the foregoing and knows the contents thereof; and that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters deponent believes it to be true.

This verification is made by deponent because
is a corporation. Deponent is an officer thereof, to-wit, its
The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

Sworn to before me, this day of 19 _____

STATE OF NEW YORK, COUNTY OF NEW YORK ss.:

AFFIDAVIT OF SERVICE BY MAIL

Patricia A. Monaco
being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at 140 Seventh Ave., New York, N.Y. 10011

That on the 21st day of December, 1972 deponent served the within Answer
upon Whitney North Seymour, Jr., Esq. attorney(s) for Plaintiff in this action, at U.S. Dept. of Justice, Southern District of N.Y. Foley Square, New York, N.Y. 10007 the address designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in — a post office — official depository under the exclusive care and custody of the United States post office department within the State of New York.

Sworn to before me, this 21st day of December, 1972. Patricia A. Monaco

Burton M. Epstein
BURTON M. EPSTEIN
NOTARY PUBLIC, State of New York
No. 31-0468810, Qualified in New York County
Commission Expires March 30, 1974

STATE OF NEW YORK, COUNTY OF ss.:

AFFIDAVIT OF PERSONAL SERVICE

being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at

That on the day of 19 at No
deponent served the within
upon
the herein, by delivering a true copy thereof to personally. Deponent knew the person so served to be the person mentioned and described in said papers as the therein.

Sworn to before me, this day of 19 _____

16a

NOTICE OF ENTRY

Sir:- Please take notice that the within is a *(certified)* true copy of a
duly entered in the office of the clerk of the within named court on 19

Dated,

Yours, etc.,

MARVIN SCHWARTZ, P.C.

Attorney for

Office and Post Office Address

243 Waverly Place

Borough of Manhattan New York, N. Y. 10014

To

Attorney(s) for

NOTICE OF SETTLEMENT

Sir:—Please take notice that an order

of which the within is a true copy will be presented for settlement to the Hon.

one of the judges of the within named Court, at

on the day of 19

at M.

Dated,

Yours, etc.,

MARVIN SCHWARTZ, P.C.

Attorney for

Office and Post Office Address

243 Waverly Place

Borough of Manhattan New York, N. Y. 10014

To

Index No. 5031 (CBM) Year 1972

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES D. HODGSON,
Secretary of Labor,
U.S. Department of Labor,

Plaintiff,

-against-

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS, INTERNATIONAL MARITIME DIVISION, ILA, AFL-CIO,

Defendant.

ANSWER

MARVIN SCHWARTZ, P.C.

Attorney for Defendant

Office and Post Office Address, Telephone

243 Waverly Place

Borough of Manhattan New York, N. Y. 10014

691-2250

To

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

.....

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------X

JAMES D. HODGSON,
Secretary of Labor,
United States Department of Labor,

Plaintiff,

-against-

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS, INTERNATIONAL MARITIME DIVISION, ILA, AFL-CIO,

Defendant.

----------X

17a

NOTICE OF EXAMINATION BEFORE TRIAL

72 Civ. 5031 CBM

S I R S:

PLEASE TAKE NOTICE that the defendant will take the exmaination before trial of the plaintiff by its representative BRIAN P. O'HANLON, before a Notary Public or some other officer authorized by law to administer oaths, commencing the 24th day of January, 1973, at 10:00 A.M. in the forenoon, at the office of MARVIN SCHWARTZ, 243 Waverly Place, New York, New York 10014, and the same will be continued from day to day until completed; and that you bring with you and produce at the time and place aforesaid, any and all documents and/or records, or any other material relating directly or indirectly to the above-captioned matter.

Dated: New York, New York
December 21, 1972

MARVIN SCHWARTZ

Attorney for Defendant
243 Waverly Place
New York, New York 10014

TO: WHITNEY NORTH SEYMOUR, JR.
Attorney for Plaintiff
U.S. Attorney's Office
U.S. Courthouse
Foley Square
New York, New York

Att: Joseph D. Danas, Esq.

COPYRIGHT 1968

STATE OF NEW YORK, COUNTY OF

CERTIFICATION BY ATTORNEY

The undersigned, an attorney admitted to practice in the courts of New York State, certifies that the within has been compared by the undersigned with the original and found to be a true and complete copy.

Dated:

STATE OF NEW YORK, COUNTY OF

ATTORNEY'S AFFIRMATION

The undersigned, an attorney admitted to practice in the courts of New York State, shows: that deponent is the attorney(s) of record for in the within action; that deponent has read the foregoing and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true. Deponent further says that the reason this verification is made by deponent and not by

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

Dated:

STATE OF NEW YORK, COUNTY OF ss.:

INDIVIDUAL VERIFICATION

, being duly sworn, deposes and says that deponent is the in the within action; that deponent has read the foregoing and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true.

Sworn to before me, this day of 19

STATE OF NEW YORK, COUNTY OF ss.:

CORPORATE VERIFICATION

, being duly sworn, deposes and says that deponent is the of the corporation named in the within action; that deponent has read the foregoing and knows the contents thereof; and that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters deponent believes it to be true.

This verification is made by deponent because is a corporation. Deponent is an officer thereof, to-wit: its

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

Sworn to before me, this day of 19

STATE OF NEW YORK, COUNTY OF NEW YORK ss.:

AFFIDAVIT OF SERVICE BY MAIL

Patricia A. Monaco being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at 140 Seventh Ave., New York, N.Y. 10011

That on the 21st day of December, 1972 deponent served the within Notice of Examination Before Trial upon Whitney North Seymour, Jr., Esq. attorney(s) for Plaintiff in this action, at U.S. Dept. of Justice, Southern District of NY Foley Square, New York, N.Y. 10007 the address designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in — a post office — official depository under the exclusive care and custody of the United States post office department within the State of New York.

Sworn to before me, this 21st day of December, 1972. Patricia A. Monaco

BURTON A. PATTEN
NOTARY PUBLIC, State of New York
No. [illegible] Qualified in New York County
Commission Expires March 30, 1974

STATE OF NEW YORK, COUNTY OF ss.:

AFFIDAVIT OF PERSONAL SERVICE

being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at

That on the day of 19 at No. deponent served the within upon the herein, by delivering a true copy thereof to h personally. Deponent knew the person so served to be the person mentioned and described in said papers as the therein

Sworn to before me, this day of 19

BEST COPY AVAILABLE

19a

NOTICE OF ENTRY

Sir:- Please take notice that the within is a *(certified)* true copy of a
duly entered in the office of the clerk of the within named court on 19

Dated,

Yours, etc.,

MARVIN SCHWARTZ, P.C.

Attorney for

Office and Post Office Address

243 Waverly Place

Borough of Manhattan New York, N. Y. 10014

To

Attorney(s) for

NOTICE OF SETTLEMENT

Sir:—Please take notice that an order

of which the within is a true copy will be presented for settlement to the Hon.

one of the judges of the within named Court, at

on the day of 19
at M.

Dated,

Yours, etc.,

MARVIN SCHWARTZ, P.C.

Attorney for

Office and Post Office Address

243 Waverly Place

Borough of Manhattan New York, N. Y. 10014

To

Index No. 5031 CBM Year 19 72

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES D. HODGSON,
Secretary of Labor,
U.S. Department of Labor,

Plaintiff,

-against-

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS, INTERNATIONAL MARITIME DIVISION, ILA, AFL-CIO,

Defendant.

NOTICE OF EXAMINATION BEFORE TRIAL

MARVIN SCHWARTZ, P.C.

Attorney for Defendant

Office and Post Office Address, Telephone

243 Waverly Place

Borough of Manhattan New York, N. Y. 10014

691-2250

To

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

.....

Attorney(s) for

Defendant's Interrogatories

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- X

JAMES D. HODGSON,
Secretary of Labor,
United States Department of Labor,

Plaintiff,

-against-

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS, INTERNATIONAL MARITIME DIVISION, ILA, AFL-CIO,

Defendant.

72 Civ. 5031 CBM

DEFENDANT'S

INTERROGATORIES

- X

INTERROGATORIES PROPOUNDED BY DEFENDANT ADDRESSED TO THE PLAINTIFF TO BE ANSWERED IN WRITING AND UNDER OATH PURSUANT TO RULE 33 OF THE FEDERAL RULES OF CIVIL PROCEDURE

1. With regard to Paragraph VII of the Complaint,

(a) Set forth the name and address of each member who protested the conduct of the election to the International Ballot Committee before and on December 12, 1971.

(b) With respect to the foregoing protests, set forth the date when and location where each such protest was made.

(c) With respect to each such protest, set forth the name, title and address of the person to whom such protest was made.

(d) State the nature of each such protest, and whether the same was written* or oral. If oral, set forth the substance thereof.

* In these interrogatories, whenever an asterisk appears and the

(e) With respect to each such protest, set forth the names and addresses of all persons whom plaintiff will contend are witnesses to each such protest.

(f) Set forth fully and in detail the sources of plaintiff's information concerning these protests, indicating the name and address of each person furnishing such information, the date when and location where such information was received by the plaintiff, the name and address of the plaintiff's representatives who received such information, and whether the information was written* or oral; if oral, set forth the substance of such information; state whether such information or other aspects of the furnishing of the information was reduced to writing*by plaintiff's representatives.

2. With regard to Paragraph VII of the Complaint, set forth the name and address of each member who protested the conduct of the election to the International Ballot Committee subsequent to the ballot tally.

(a) With respect to each such protest, set forth the date when and location where each such protest was made.

(b) With respect to each such protest, set forth the name, title and address of the person to whom such protest was made.

(c) State the nature of each such protest, and whether the same was written*or oral. If oral, set forth the substance thereof.

---

* con't.
answer indicates that a written document or documents is involved, such asterisk will signify the following:

> Describe the document or documents herein referred to with sufficient particularity to enable defendant to identify them in a Request for Production, pursuant to Rule 34 FRCP, or, alternatively, append a copy of such document or documents to the answers to these interrogatories.

(d) With respect to each such protest, set forth the names and addresses of all persons whom plaintiff will contend are witnesses to each such protest.

(e) Set forth fully and in detail the sources of plaintiff's information concerning these protests, indicating the name and address of each person furnishing such information, the date when and location where such information was received by the plaintiff, the name and address of the plaintiff's representatives who received such information, and whether the information was written* or oral; if oral, set forth the substance of such information; state whether such information or other aspects of the furnishing of the information was reduced to writing* by plaintiff's representatives.

3. Set forth the names and addresses of each complainant who received a copy of the letter from the International Secretary-Treasurer dated January 7, 1972, referred to in Paragraph VII of the Complaint.

4. Set forth the date when and location where each such January 7, 1972 letter was received by a complainant *.

5. Set forth the names and addresses of each complainant who received an adverse decision from the International Ballot Committee on a protest.

(a) With respect to each such adverse decision, set forth the date when and location where such adverse decision was received.

(b) With respect to each such adverse decision, set forth the name, title and address of each person rendering or delivering each such adverse decision.

(c) State whether each such adverse decision was oral or in writing * ; if oral, state the substance thereof.

(d) State the names and addresses of all persons whom plaintiff will claim were witnesses to each of the aforesaid adverse decisions.

(e) Set forth fully and in detail the sources of plaintiff's information concerning these adverse decisions, indicating the name and address of each person furnishing such information, the date when and location where such information was received by the plaintiff, the name and address of the plaintiff's representatives who received such information, and whether the information was written* or oral; if oral, set forth the substance of such information; state whether such information or other aspects of the furnishing of the information was reduced to writing* by plaintiff's representatives.

6. With regard to Paragraph VII of the Complaint, set forth the names and address of each member who protested by letter dated January 19, 1972 to the General Executive Board.

(a) With respect to each of the foregoing protests, set forth the names, titles and addresses of the persons to whom such protest letter or letters* were sent.

(b) With respect to each such January 19, 1972 letter of protest, set forth the names and addresses of all persons whom plaintiff will contend are witnesses to each such protest letter.

(c) Set forth fully and in detail the sources of plaintiff's information concerning these protest letters, indicating the name and address of each person furnishing such information, the date when and location where such information was received by the plaintiff, the name and address of the plaintiff's representatives who received such information and

whether the information was written* or oral; if oral, set forth the substance of such information; state whether such information or other aspects of the furnishing of the information was reduced to writing* by plaintiff's representatives.

7. With regard to the undated letter postmarked February 29, 1972, referred to in Paragraph VII of the Complaint, state the names and addresses of each complainant who received such letter.

(a) With respect to each such letter, set forth the date when and location where each such letter* was received.

(b) With respect to each such letter, set forth the names and addresses of all persons whom plaintiff will contend are witnesses to the receipt of each letter.

(c) Set forth fully and in detail the sources of plaintiff's information concerning these letters postmarked February 29, 1972, indicating the name and address of each person furnishing such information, the date when and location where such information was received by the plaintiff, the names and addresses of the plaintiff's representatives who received such information and whether the information was written* or oral; if oral, set forth the substance of such information; state whether such information or other aspects of the furnishing of the information was reduced to writing* by plaintiff's representatives.

8. Does the plaintiff contend that the appeal to the defendant's General Executive Board constituted an exhaustion of all available internal remedies? If not, state what additional available internal remedies existed.

(a) If plaintiff contends there were additional available remedies, set forth the provision of the defendant's Constitution and/or By-Laws where such additional available remedies are described.

9. With respect to Paragraph VII of the Complaint, does the plaintiff contend that the complainants have exhausted the remedies available under the Constitution and By-Laws of the defendant or does the plaintiff contend that the complainants have invoked such available remedies without obtaining a final decision within three calendar months after their invocation?

(a) If the former, state what the final available remedy was, and the date of its exhaustion.

(b) If the former, state how plaintiff arrived at the date set forth above as that on which complainants exhausted their available internal remedies.

(c) If the latter, state the method by which plaintiff measures and calculates the three calendar months. State the incident or event which commenced the three calendar month period and the date of the commencement of the period and state the incident or event which terminated such period, and the date of termination of such period.

10. Set forth the names and addresses of the complainants plaintiff contends in Paragraph VII of their complaint have exhausted all available internal remedies.

11. With respect to Paragraph VII of the Complaint, set forth the names and addresses of the complainants who filed a complaint with the plaintiff on March 29, 1972.

(a) With respect to each such complaint, set forth the date when, the location where and the manner in which each

such complaint was filed.

(b) State the nature of each such complaint, and whether the same was written* or oral. If oral, set forth the substance thereof.

(c) With respect to each such complaint, set forth the name, address and title of the plaintiff's representatives to whom such complaint was made, or with whom such complaint was filed.

(d) With respect to the filing of each such complaint, set forth the names and addresses of all persons whom plaintiff will contend are witnesses to each such filing.

(e) Set forth fully and in detail the events surrounding the filing of the complaints with the plaintiff, and state whether a memorandum or written* account of such events was prepared by plaintiff's representatives or the complainants.

(f) State whether the complainants executed any writing, notes or other memorandum* for the plaintiff's use regarding each complaint, and whether any documents* or other writings were furnished the plaintiff by the complainants. If so, state in each case the name of the complainant, the documents involved, and the date when each was given to the plaintiff.

12. With respect to Paragraph VIII of the complaint, state:

(a) The names and addresses of all representatives of the plaintiff who conducted or participated in the investigation.

(b) The dates of such participation by each of the aforementioned representatives, and the locations where such

activities were performed, and the nature of each such participation.

(c) The names and addresses of all persons interviewed or communicated with by plaintiff's representatives, the name of plaintiff's representatives conducting each such interview or communication and whether any documents or written* material were furnished to plaintiff's representatives by such individuals.

(d) The name and address of each person from whom plaintiff has secured a statement* whether signed or unsigned, and the name and address of plaintiff's representative(s) who obtained each such statement and the date and place where each such statement was obtained.

(e) Whether memoranda, notes or other written* material were prepared by plaintiff's representatives relating to any of the aforementioned interviews and communications.

(f) Whether or not any documents or written* material was examined by plaintiff's representatives during the course of such investigation, and if so, the dates of each such examination, the names of the plaintiff's representatives participating in such examination, and the location where such examination took place.

(g) Whether the investigation of the complaint resulted in any memoranda, notes or other written* material.

(h) Whether the investigation of the complaint resulted in written* recommendation either by the investigators or anyone else in plaintiff's service, whether in memoranda, notes or in a formal report; if recommendations were not made in writing, but recommendations were made orally at any stage of the investigative procedures, identify the names, addresses and titles

of those making recommendations and those to whom said recommendations were made; the date when and place where such recommendations were made, and the substance of such recommendations.

13. With regard to Paragraph IX (a) of the complaint:

(a) Set forth the names of the persons whose candidacies are alleged to have been promoted by the use of Union funds, and the office for which each such person was a candidate.

(b) With respect to each such person, set forth the amount of money which defendant allegedly expended on his behalf, the form and manner in which such expenditure was made on his behalf, the dates of each such expenditure, the name of the representative or employee of the defendant who made each such expenditure, and the source of the funds from which each expenditure was made; set forth any additional acts or omission constituting the alleged violation, and with respect to each, state the name, address and title of the defendant's representatives who committed the same, and the date when and place where each was committed.

(c) Identify the documents* constituting the protests to the defendant and the complaints filed with the plaintiff relating to this alleged violation; if not in writing, state the names and addresses of the persons who made such protests and filed such complaints, the names and addresses of the persons who received such protests and complaints, the dates when and places where such protests and complaints were made, and the substance of each such protest and complaint.

(d) State the names and addresses of all persons whom plaintiff will claim were witnesses to this alleged violation.

(e) State whether plaintiff claims that the acts or

omissions complained of in Paragraph IX(a) of the complaint violated any provisions of defendant's Constitution and/or By-Laws. If so, identify each such provision.

(f) State how plaintiff contends this alleged violation could have been remedied.

(g) State how plaintiff contends this alleged violation may have affected the outcome of the election.

14. With regard to Paragraph IX(b) (i) of the complaint;

(a) Set forth the names and addresses of the members whom plaintiff claims were denied the right to be candidates and hold office, and the office or offices for which each such member was denied the right to candidacy.

(b) Describe fully and in detail each act or omission on the part of the defendant constituting each alleged wrongful denial.

(c) With respect to each such act and omission, state the name, address and title of the defendant's representatives who committed the same, and the date when and place where each was committed.

(d) State the names and addresses of all persons whom plaintiff will claim were witnesses to each such act and omission.

(e) Identify the documents* constituting the protests to the defendant and the complaints filed with the plaintiff relating to this alleged violation; if not in writing, state the names and addresses of the persons who made such protests and filed such complaints, the names and addresses of the persons who received such protests and complaints, the dates when and places where such protests and complaints were made, and the

substance of each such protest and complaint.

(f) State whether plaintiff claims that the acts or omissions complained of in Paragraph IX (b)(i) of the complaint violated any provisions of defendant's Constitution and/or By-Laws. If so, identify each such provision.

(g) State how plaintiff contends this alleged violation could have been remedied.

(h) State how plaintiff contends this alleged violation may have affected the outcome of the election.

15. With regard to Paragraph IX (b)(ii) of the complaint:

(a) Set forth the names and addresses of the members whom plaintiff claims were denied a reasonable opportunity for the nomination of candidates.

(b) Set forth the names and addresses of those persons whom the previously mentioned members were not able to nominate, and the offices for which each such person would have been a candidate.

(c) Describe fully and in detail each act or omission on the part of the defendant constituting each alleged wrongful denial.

(d) With respect to each such act or omission, state the name, address and title of the defendant's representatives who committed the same, and the date when and the place where each was committed.

(e) State the names and addresses of all persons whom plaintiff will claim were witnesses to each such act and omission.

(f) Identify the documents* constituting the protests to the defendant and the complaints filed with the plaintiff

relating to this alleged violation; if not in writing, state the names and addresses of the persons who made such protests and filed such complaints, the names and addresses of the persons who received such protests and complaints, the dates when and places where such protests and complaints were made, and the substance of each such protest and complaint.

(g) State whether plaintiff claims that the acts or omissions complained of in Paragraph IX(b)(ii) of the complaint violated any provisions of defendant's Constitution and/or By-Laws. If so, identify each such provision.

(h) State how plaintiff contends this alleged violation could have been remedied.

(i) State how plaintiff contends this alleged violation may have affected the outcome of the election.

16. Regard to Paragraph IX(b)(iii) of the complaint:

(a) Set forth the names and addresses of the members whom plaintiff claims were denied the right alleged.

(b) Set forth the names of the candidates and the offices for which they were candidates for whom the aforesaid members were unable to vote or otherwise support.

(c) Describe fully and in detail each act or omission on the part of the defendant constituting each alleged wrongful denial.

(d) With respect to each such act and omission, state the name, address and title of the defendant's representatives who committed the same, and the date when and place where each was committed.

(e) State the names and addresses of all persons whom plaintiff will claim were witnesses to each such act and omission.

(f) Identify the documents* constituting the protests to the defendant and the complaints filed with the plaintiff relating to this alleged violation; if not in writing, state the names and addresses of the persons who made such protests and filed such complaints, the names and addresses of the persons who received such protests and complaints, the dates when and places where such protests and complaints were made, and the substance of each such protest and complaint.

(g) State whether plaintiff claims that the acts or omissions complained of in Paragraph IX(b)(iii) of the complaint violated any provisions of defendant's Constitution and/or By-Laws. If so, identify each such provision.

(h) State how plaintiff contends this alleged violation could have been remedied.

(i) State how plaintiff contends this alleged violation may have affected the outcome of the election.

17. With regard to Paragraph IX(b)(iv) of the complaint:

(a) Identify each and every provision of defendant's Constitution and By-Laws which plaintiff claims were not followed during the election.

(b) With respect to each of the said provisions, state the manner in which plaintiff claims each such provision was not followed and the acts and omissions constituting each such failure.

(c) With respect to each such act and omission, state the name, address and title of the defendant's representatives who committed the same, and the date when and place where each was committed.

(d) State the names and addresses of all persons

whom plaintiff will claim were witnesses to each such act and omission.

(e) Identify the documents* constituting the protests to the defendant and the complaints filed with the plaintiff relating to this alleged violation; if not in writing, state the names and addresses of the persons who made such protests and filed such complaints, the names and addresses of the persons who received such protests and complaints, the dates when and places where such protests and complaints were made, and the substance of each such protest and complaint.

(f) State how plaintiff contends this alleged violation could have been remedied.

(g) State how plaintiff contends this alleged violation may have affected the outcome of the election.

18. With regard to Paragraph IX(c)(i) of the complaint:

(a) Set forth the names and addresses of the members whom plaintiff claims were denied the right to inspect lists.

(b) Describe, with respect to each of the aforesaid members, the list or lists whose alleged right to inspection was denied.

(c) Describe fully and in detail the circumstances surrounding each and every request made by each of the aforementioned members, including the date when, and time where each member made a request, the subject of each such request, and the name, address and title of the defendant's representatives to whom each such request was made*.

(d) Describe fully and in detail each act or omission on the part of the defendant constituting each alleged wrongful denial.

(e) With respect to each such act and omission, state the name, address and title of the defendant's representatives who committed the same, and the date when and place where each was committed.

(f) State the names and addresses of all persons whom plaintiff will claim were witnesses to each such act and omission.

(g) Identify the documents* constituting the protests to the defendant and the complaints filed with the plaintiff relating to this alleged violation; if not in writing, state the names and addresses of the persons who made such protests and filed such complaints, the names and addresses of the persons who received such protests and complaints, the dates when and places where such protests and complaints were made, and the substance of each such protest and complaint.

(h) State whether plaintiff claims that the acts or omissions complained of in Paragraph IX(c)(i) of the complaint violated any provisions of defendant's Constitution and/or By-Laws. If so, identify each such provision.

(i) State how plaintiff contends this alleged violation could have been remedied.

(j) State how plaintiff contends this alleged violation may have affected the outcome of the election.

19. With respect to Paragraph IX(c)(ii) of the complaint:

(a) Set forth the names and addresses of the candidates whose requests were not complied with.

(b) State the names, titles and addresses of the defendant's representatives to whom the foregoing requests were

made; state in each case the date when and place where each such request was made.

(c) Identify the documents* constituting the requests alleged to have been made by the candidates which were not complied with; if not in writing, state the names and addresses of the candidates who made such requests, the names and addresses of the defendant's representatives to whom such requests were made, the dates when and places where such requests were made, and the substance of each such request.

(d) Describe fully and in detail each act or omission on the part of the defendant constituting each alleged failure to comply.

(e) With respect to each such act and omission, state the name, address and title of the defendant's representatives who committed the same, and the date when and place where each was committed.

(f) Describe, with respect to each of the aforementioned candidates, the campaign literature* which each candidate requested to be distributed; state, in each case, whether the candidates requested distribution by mail; if not by mail, state the method of distribution that was requested by a candidate.

(g) State the names and addresses of all persons whom plaintiff will claim were witnesses to each such act and omission.

(h) Identify the documents* constituting the protests to the defendant and the complaints filed with the plaintiff relating to this alleged violation; if not in writing, state the names and addresses of the persons who made such protests and filed such complaints, the names and addresses of the persons

who received such protests and complaints, the dates when and places where such protests and complaints were made, and the substance of each such protest and complaint.

(i) State whether plaintiff claims that the acts or omissions complained of in Paragraph IX (c)(ii)of the complaint violated any provisions of defendant's Constitution and/or By-Laws. If so, identify each such provision.

(j) State how plaintiff contends this alleged violation could have been remedied.

(k) State how plaintiff contends this alleged violation may have affected the outcome of the election.

20. With regard to Paragraph IX(c)(iii) of the complaint:

(a) Set forth the names and addresses of the candidates whom plaintiff claims were not treated equally with respect to the distribution of campaign literature.

(b) Set forth the names and addresses of the candidates whom plaintiff claims were given more favorable treatment and set forth fully and in detail the manner in which such more favorable treatment was given.

(c) Describe fully and in detail each act or omission on the part of the defendant constituting each alleged inequality of treatment, setting forth in each case the nature and content of the campaign literature* involved.

(d) With respect to each such act and omission, state the name, address and title of the defendant's representatives who committed the same, and the date when and place where each was committed.

(e) State the names and addresses of all persons whom plaintiff will claim were witnesses to each such act and omission.

(f) Identify the documents* constituting the protests to the defendant and the complaints filed with the plaintiff relating to this alleged violation; if not in writing, state the names and addresses of the persons who made such protests and filed such complaints, the names and addresses of the persons who received such protests and complaints, the dates when and places where such protests and complaints were made, and the substance of each such protest and complaint.

(g) State whether plaintiff claims that the acts or omissions complained of in Paragraph IX(c)(iii) of the complaint violated any provisions of defendant's Constitution and/or By-Laws. If so, identify each such provision.

(h) State how plaintiff contends this alleged violation could have been remedied.

(i) State how plaintiff contends this alleged violation may have affected the outcome of the election.

21. With regard to Paragraph IX(c)(iv) of the complaint:

(a) Set forth the names and addresses of the candidates whom plaintiff claims were discriminated against with respect to the use of membership lists.

(b) Set forth the names and addresses of the candidates whom plaintiff claims were given preferential treatment with respect to the use of membership lists.

(c) Describe each and every membership list* which is the subject of this complaint.

(d) Describe fully and in detail each act or omission on the part of the defendant constituting each alleged wrongful

discrimination.

(e) With respect to each such act and omission, state the name, address and title of the defendant's representatives who committed the same, and the date when and place where each was committed.

(f) State the names and addresses of all persons whom plaintiff will claim were witnesses to each such act and omission.

(g) Identify the documents* constituting the protests to the defendant and the complaints filed with the plaintiff relating to this alleged violation; if not in writing, state the names and addresses of the persons who made such protests and filed such complaints, the names and addresses of the persons who received such protests and complaints, the dates when and places where such protests and complaints were made, and the substance of each such protest and complaint.

(h) State whether plaintiff claims that the acts or omissions complained of in Paragraph IX(c)(iv) of the complaint violated any provisions of defendant's Constitution and/or By-Laws. If so, identify each such provision.

(i) State how plaintiff contends this alleged violation could have been remedied.

(j) State how plaintiff contends this alleged violation may have affected the outcome of the election.

22. State whether any complaints were filed with the plaintiff that have not been made the subject of an alleged violation in plaintiff's complaint. If so, identify the nature of each and every such complaint*, the name and address of the person who filed each such complaint, the date when and

place where each such complaint was filed, the name and address of the plaintiff's representative who received each such complaint, and the reason why plaintiff did not allege the act and omission complained of to constitute a violation of Title IV of the Labor Management Reporting and Disclosure Act of 1959 (29 USC Sec. 401 et sec.)

23. With respect to the violations alleged in plaintiff's complaint, state whether the plaintiff has promulgated any rules, regulations, memoranda or guidelines with respect to the acts and omissions complained of*?

24. Does the plaintiff complain in its complaint that any of the control procedures utilized to prevent ballot stuffing or any irregularities in the casting or tallying of the ballots were improper or inadequate so as to constitute a violation of Title IV of the LMRDA?

25. If the answer to the foregoing interrogatory is in the affirmative, set forth fully and in detail the acts, procedures and circumstances upon which plaintiff bases its affirmative answer, and state the manner by which plaintiff claims such acts, procedures and circumstances could have been changed, or the alternate acts and procedures that could have been employed, so as to have resulted in the balloting being carried on in compliance with the requirements of Title IV of the LMRDA.

26. Identify those provisions of defendant's Constitution and By-Laws which plaintiff claims to be violative of Title IV of the LMRDA, if any.

27. With respect to each provision set forth in answer

to the preceding interrogatory, state the manner in which each such provision is claimed by the plaintiff to be violative of Title IV of the LMRDA.

28. With regard to each of the foregoing provisions, state the changes plaintiff claims would be necessary to be made with respect to each in order to bring them into compliance with the requirements of Title IV of the LMRDA.

29. State whether plaintiff has in its possession or control or knows of the existence of recordings by means of tape, wire, shellac discs or otherwise; or by means of photographic film, or television tape, video tape, or otherwise, which are or may be relevant or material to the plaintiff's complaint or the acts and omissions which plaintiff claims give rise to or are related to the alleged violations complained of in its complaint.

30. If the answer to the foregoing interrogatory is in the affirmative, describe the recording or recordings in plaintiff's possession or under its control with sufficient particularity to enable defendant to identify them in a request for production pursuant to Rule 34 FRCP, or, alternatively, append a copy of such recording or recordings to the answers to these interrogatories.

31. If the answer to Interrogatory No. (29) is in the affirmative, describe fully and in detail the recording or recordings which are not in plaintiff's possession or under its control, setting forth specifically the nature of each such recording or recordings, the sum and substance thereof, the name and address of the person last known by the plaintiff to have had possession or control thereof., the date of such

possession or control, the date when and place where plaintiff first became aware of the existence of such recording or recordings, and the name and address of plaintiff's representative who first became aware of the existence of such recording or recordings.

32. State whether plaintiff claims that any of the acts of defendant giving rise to or accompanying any of the violations claimed in its complaint were acts of violence, threats, or intimidation.

33. If the answer to the foregoing interrogatory is in the affirmative, set forth fully and in detail the nature and circumstances of each such act, the name, address and title of defendant's representative who committed each such act, the date when and location where each such act was committed, the name and address of each person against whom each such act was committed and the names and addresses of all persons whom plaintiff claims were witnesses to each such act.

Dated: New York, New York
February 6, 1973

Yours, etc.

MARVIN SCHWARTZ

By _____
Burton M. Epstein
Attorney for the Defendant
243 Waverly Place
New York, New York 10014

STATE OF NEW YORK, COUNTY OF — CERTIFICATION BY ATTORNEY

The undersigned, an attorney admitted to practice in the courts of New York State, certifies that the within has been compared by the undersigned with the original and found to be a true and complete copy.

Dated: .....

STATE OF NEW YORK, COUNTY OF — ATTORNEY'S AFFIRMATION

The undersigned, an attorney admitted to practice in the courts of New York State, shows: that deponent is the attorney(s) of record for in the within action; that deponent has read the foregoing and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true. Deponent further says that the reason this verification is made by deponent and not by

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

Dated: .....

STATE OF NEW YORK, COUNTY OF — ss.: — INDIVIDUAL VERIFICATION

, being duly sworn, deposes and says that deponent is the in the within action; that deponent has read the foregoing and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true.

Sworn to before me, this day of 19 _____

STATE OF NEW YORK, COUNTY OF — ss.: — CORPORATE VERIFICATION

, being duly sworn, deposes and says that deponent is the of the corporation named in the within action; that deponent has read the foregoing and knows the contents thereof; and that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters deponent believes it to be true.

This verification is made by deponent because is a corporation. Deponent is an officer thereof, to-wit, its

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

Sworn to before me, this day of 19 _____

STATE OF NEW YORK, COUNTY OF NEW YORK — ss.: — AFFIDAVIT OF SERVICE BY MAIL

Patricia A. Monaco

being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at 140 Seventh Avenue, New York, N.Y. 10011

That on the 6th day of February 1973 deponent served the within Defendant's Interrogatories upon Whitney North Seymour, Jr., Esq. attorney(s) for Plaintiff in this action, at U.S. Dept. of Justice, Southern District of NY Foley Square, New York, N.Y. 10007 the address designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in — a post office — official depository under the exclusive care and custody of the United States post office department within the State of New York.

Sworn to before me, this 6th day of February 19 73. Patricia A Monaco

Bruce M. Selya

STATE OF NEW YORK, COUNTY OF — ss.: — AFFIDAVIT OF PERSONAL SERVICE

being duly sworn, deposes and says that deponent is not a party to the action, is over 18 years of age and resides at

That on the day of 19 at No. deponent served the within upon the herein, by delivering a true copy thereof to personally. Deponent knew the person so served to be the person mentioned and described in said papers as the herein.

Sworn to before me, this day of 19

BEST COPY AVAILABLE

NOTICE OF ENTRY

Sir:- Please take notice that the within is a *(certified)* true copy of a
duly entered in the office of the clerk of the within named court on 19

Dated,

Yours, etc.,

MARVIN SCHWARTZ, P.C.

Attorney for

Office and Post Office Address

243 Waverly Place

Borough of Manhattan New York, N. Y. 10014

To

Attorney(s) for

NOTICE OF SETTLEMENT

Sir:—Please take notice that an order

of which the within is a true copy will be presented for settlement to the Hon.

one of the judges of the within named Court, at

on the day of 19

at M.

Dated,

Yours, etc.,

MARVIN SCHWARTZ, P.C.

Attorney for

Office and Post Office Address

243 Waverly Place

Borough of Manhattan New York, N. Y. 10014

To

Attorney(s) for

Index No. 5031 CBM Year 1972

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES D. HODGSON,
Secretary of Labor,
U. S. Department of Labor,

Plaintiff,

-against-

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS, INTERNATIONAL MARITIME DIVISION, ILA, AFL-CIO,

Defendant.

DEFENDANT'S INTERROGATORIES

MARVIN SCHWARTZ, P.C.

Attorney for Defendant

Office and Post Office Address, Telephone

243 Waverly Place

Borough of Manhattan New York, N. Y. 10014

691-2250

To

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

.....

Attorney(s) for

Plaintiff's Answers to Defendant's Interrogatories

JDD
72-3882

IN THE UNITED STATES DISTRICT COURT

FOR THE

SOUTHERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
FILED
APR 5 1973
S. D. OF N.Y.

PETER J. BRENNAN, Secretary of Labor, United States Department of Labor, Plaintiff, v. INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS, INTERNATIONAL MARITIME DIVISION, ILA, AFL-CIO, Defendant.	)	CIVIL ACTION NO. 72 Civ. 5031 CMB

PLAINTIFF'S ANSWERS TO
DEFENDANT'S INTERROGATORIES

The plaintiff by Henry A. Queen, Chief, Branch of Elections and Trusteeships, Labor-Management and Welfare-Pension Reports, United States Department of Labor, being duly sworn, deposes and says that the following answers are true to the best of his knowledge, information and belief, and responds to defendant's Interrogatories as follows:

1. (a) The date set forth in paragraph 7 of the Complaint and used to indicate the date of the ballot tally was, through a typographical error, incorrectly stated. That date should correctly read December 22, 1971.

The names and addresses of the members protesting the conduct of the International election to the International Ballot Committee before and on December 22, 1971, are as follows: Lloyd Sheldon, 44-17 64th Street, Jackson Heights, New York, Amos Koonce, 2525 Church Avenue, Brooklyn, New York, Charles Norstrand, 320 South Surf Road, Hollywood, Florida 33020, Charles A. Hemming, R.F.D. #1, Princeton, New Jersey 08540, Lawrence A. Burlingame, 1959 Kennedy Boulevard, Jersey City, New Jersey, Henry L. Nereaux, 163 West 17th Street, New York, New York 10011, Victor Soto, 2482 Neptune Avenue, Seaford, New York, Ashley N. Gordon, 9938 Hinds Street, Houston, Texas, Jack Ofelt, Jr., 411 Portland Labor Center, Southwest First Street, Portland, Oregon 97201, Nicholas A. LaRocca, 514 Oakland Drive, Metairie, Louisiana 70003, Cornelius F. Coyle, 3123 Campt Street, New Orleans, Louisiana 70115, John A. Moralis, Jr., 47-43 39th Street, Long Island City, New York, John R. Seybert, 85 Livingston Street, Brooklyn, New York.

(b) See answer to Interrogatory No. 1(f).

(c) See answer to Interrogatory No. 1(f).

(d) See answer to Interrogatory No. 1(f).

(e) Objection. Plaintiff will furnish to defendant at the Pre-Trial Conference or other appropriate proceeding a list of all witnesses together with a brief statement as to which issues their testimony will be directed. Plaintiff is prepared to state, however, that the persons set forth in answer to Interrogatory 1(a) are potential witnesses to their respective protests.

(f) See answer to Interrogatory No. 1(a) for the names and addresses of the sources of plaintiff's information concerning these protests. On information and belief, these protests were received in New York, New York, by plaintiff's representatives all located at 26 Federal Plaza, New York, New York 10007.

The protests, both oral and written, which were submitted to the International Ballot Committee before and on December 22, 1971 are as follows:

(1) the document attached hereto and marked as Exhibit A;

(2) the transcript consisting of 42 pages entitled "In the Matter of the Election of Officers of the International Organization of Masters, Mates and Pilots, Case No. 1350-0038-71", and dated August 27, 1971;

(3) the transcript with exhibits, consisting of two parts with 91 and 28 pages respectively, entitled "In the Matter of the Election of Officers of the International Organization of Masters, Mates and Pilots, Case No. 1350-0038-71", and dated August 30, 1971;

(4) the transcript with exhibits, consisting of 66 pages entitled " Masters, Mates and Pilots Union (IOMM&P)", dated December 21, 1971; and

(5) the document attached hereto and marked as Exhibit B.

Defendant presumably has in its possession copies of the transcript with exhibits referred to above in subsections (2), (3) and (4), but if the defendant so desires, copies of

these transcripts will be furnished by the plaintiff.

2. Lloyd Sheldon, 44-17 - 64th Street, Jackson Heights, New York, Amos Koonce, 2525 Church Avenue, Brooklyn, New York, Charles Norstrand, 320 South Surf Road, Hollywood, Florida, Charles A. Hemming, R.F.D. #1, Princeton, New Jersey 08540, Henry L. Nereaux, 163 West 17th Street, New York, New York, Victor Soto, 2482 Neptune Avenue, Seaford, New York, George Vance, 7013 Glenn Street, Metairie, Louisiana 70003.

(a) See answer to Interrogatory No. 2(e).

(b) See answer to Interrogatory No. 2(e).

(c) See answer to Interrogatory No. 2(e).

(d) Objection. Plaintiff will furnish to defendant at the Pre-Trial Conference or other appropriate proceeding a list of all witnesses together with a brief statement as to which issues their testimony will be directed. Plaintiff is prepared to state, however, that the persons set forth in answer to Interrogatory No. 2 are potential witnesses to their respective protests.

(e) See answer to Interrogatory No. 2 for the names and addresses of the sources of plaintiff's information concerning these protests. On information and belief, these protests were received in New York, New York, by plaintiff's representatives, all located at 26 Federal Plaza, New York, New York 10007.

The protests which were submitted to the International Ballot Committee subsequent to the ballot tally are attached hereto and marked Exhibits C, D, E, F and G.

3. The letter from the International Secretary-Treasurer dated January 7, 1972, which is referred to in paragraph VII of the Complaint was received by Mr. Burton H. Hall, whose address is 401 Broadway, New York, New York 10013, on behalf of clients, Lloyd Sheldon, Amos Koonce, Charles Norstrand, Charles A. Hemming, Victor Soto, and Henry Nereaux. The addresses of the aforementioned persons are set forth in answer to Interrogatory No. 1(a).

4. The letter from the International Secretary-Treasurer dated January 7, 1972, was received at 401 Broadway, New York, New York 10013. Plaintiff does not know the exact date when said letter was received.

5. The names and addresses of the complainants who received adverse decisions from the International Ballot Committee on their protests, are set forth in answers to Interrogatories Nos. 1(a) and 2.

(a) An adverse decision on the protests was rendered orally at the January 6, 1972 meeting of the International Ballot Committee, held at the offices of the International union.

(b) The International Ballot Committee consisting of Messrs. Nelson, Eisenhauer, Reynolds and Valensi, unanimously voted to render the aforementioned adverse decisions. Plaintiff does not know the addresses of these persons.

(c) The adverse decision appears on page 19 of Exhibit B attached hereto.

(d) Objection. Plaintiff will furnish to defendant at the Pre-Trial Conference or other appropriate proceeding a list of all witnesses together with a brief statement as to which issues their testimony will be directed. Plaintiff is prepared to state, however, that the persons set forth in answer to Interrogatory No. 6 are potential witnesses to their respective protests.

(e) See answer to Interrogatories Nos. 1(a) and 2 for the names and addresses of plaintiff's sources concerning this adverse decision. On information and belief, these protests were received in New York, New York, by plaintiff's representatives, all located at 26 Federal Plaza, New York, New York 10007.

See Exhibit B attached hereto for a copy of the adverse decision rendered by the International Ballot Committee.

6. Lloyd Sheldon, Amos Koonce, Charles Norstrand, Charles Hemming, Lawrence Burlingame, Henry Nereaux, John Seybert, Victor Soto, John A. Moralis, Jr., Jack Ofelt, Jr., Ashley N. Gordon, George Vance, Nicholos LaRocca, Cornelius F. Coyle, Walter J. Anderson and Robert MacAlvanah. The addresses of these persons are set forth in answers to Interrogatories Nos. 1(a) and 2, with the exception of Anderson and MacAlvanah, whose addresses are 215 2nd Street, Chichasaw, Alabama 36611 and P. O. Box 5366, Lighthouse Point, Florida 33064, respectively.

(a) The letter of January 19, 1972, was sent to the General Executive Board in care of Robert J. Lowen, International Secretary-Treasurer, 39 Broadway, New York, New York 10006.

(b) Objection. Plaintiff will furnish to defendant at the Pre-Trial Conference or other appropriate proceeding a

list of all witnesses together with a brief statement as to which issues their testimony will be directed. Plaintiff is prepared to state, however, that the persons set forth in answer to Interrogatory No. 6 are potential witnesses to their respective protests.

(c) See answer to Interrogatory No. 6 for the names and addresses of the sources of plaintiff's information concerning this protest letter. On information and belief, this protest letter was received in New York, New York, by plaintiff's representatives, all located at 26 Federal Plaza, New York, New York 10007.

The protest of January 19, 1972, which was submitted to the General Executive Board is attached hereto and marked Exhibit H.

7. The undated letter postmarked February 29, 1972, was received by Burton M. Hall, Esquire, on behalf of all the complainants set forth in Interrogatory No. 6.

(a) The letter postmarked February 29, 1972, was received at 401 Broadway, New York, New York 10013, on or about March 2, 1972.

(b) Objection. Plaintiff will furnish to defendant at the Pre-Trial Conference or other appropriate proceeding a list of all witnesses together with a brief statement as to which issues their testimony will be directed. Plaintiff is prepared to state, however, that the persons set forth in answer to Interrogatory No. 6 are potential witnesses to their respective protests.

(c) See answer to Interrogatory No. 7 for the names and addresses of the sources of plaintiff's information concerning this letter. On information and belief, this letter was received in New York, New York, by plaintiff's representatives, all located at 26 Federal Plaza, New York, New York 10007.

The protest which was submitted to Mr. Burton H. Hall, on behalf of the complainants set forth in answer to Interrogatory No. 6 is attached hereto and marked Exhibit I.

8. Yes.

(a) Not applicable.

9. It is plaintiff's position that the complainants have exhausted the remedies available under the Constitution and By-Laws of defendant.

(a) The final available remedy to the complainants was the January 19, 1972 appeal to the General Executive Board, and this remedy was exhausted on or about March 2, 1972, the date when the complainants were apprised of the Executive Board's decision.

(b) The final decision of the General Executive Board denying the complainants' protests, was communicated to Burton Hall on behalf of the complainants, by letter postmarked February 29, 1972, and received on or about March 2, 1972.

(c) Not applicable.

10. The names and addresses of the complainants who have exhausted all available remedies are set forth in answer to Interrogatory No. 6.

11. The names and addresses of the complainants who filed a complaint with plaintiff on March 29, 1972, are set forth in answer to Interrogatory No. 6.

(a) The complaint of March 29, 1972, to the Secretary of Labor was filed by Mr. Burton Hall in writing, on March 29, 1972, with Brian O'Hanlon, agent for the Secretary of Labor, at Mr. Hall's offices, 401 Broadway, New York, New York 10013.

(b) The protest which was filed with the Secretary of Labor on March 29, 1972, is attached hereto and marked Exhibit J.

(c) See answer to Interrogatory No. 11(b).

(d) Objection. Plaintiff will furnish to defendant at the Pre-Trial Conference or other appropriate proceeding a list of all witnesses together with a brief statement as to which issues their testimony will be directed. Plaintiff is prepared to state, however, that the persons set forth in answer to Interrogatory No. 6 are potential witnesses to their respective protests.

(e) The complaint was filed with plaintiff on the date and at the place set forth in plaintiff's answer to Interrogatory No.11(a). The protest was immediately taken to the offices of the United States Department of Labor, 233 West 49th Street, New York, New York, whereupon said protest was date stamped indicating the date of receipt, March 29, 1972. An account of these events was prepared on March 29, 1972 by plaintiff's representative, Brian O'Hanlon.

(f) No writings, notes or other memoranda regarding this complaint were executed by the complainants at the time of the filing of the complaint, and no other documents were furnished plaintiff by the complainants at this time.

12. (a) Brian O'Hanlon, Rona Sokolsky, Thomas Broadnax, Thomas Anderson, Martin Becker, Sam Bruckner, LeRoy Flores, George Forakis, Peter Guerrero, Carol Porter, Joan Gray, Theodore Chang, Adam Conti, Norman Romney and George Maul - all located at 26 Federal Plaza, New York, New York 10007, S. H. Cotton - Room 1604, 100 McAllister Street, San Francisco, California 94102, Thomas Wilson - Federal Building, Room 7731, 300 North Los Angeles Street, Los Angeles, California 90012, Eolo Testi (deceased) - Smith Tower Building, Room 3301, 506 Second Avenue, Seattle, Washington 98104, Ramon Lopez and W. J. Autry - both located at P. O. Building, Room 301, Bryan & Ervay Streets, P. O. Box 239, Dallas, Texas 75221, C. D. Jackson - 18350 N.W. Second Avenue., Miami, Florida 33130, Stephen C. Smith - Room 303, 1371 Peachtree Street, N.E., Atlanta, Georgia 30309, Leroy White and Robert W. Harvey - both located at Vanguard Building, Room 509, 1111 20th Street, N.W., Washington, D. C. 20210, Delores C. Gallioto - Federal Office Building, Room 940, 600 South Street, New Orleans, Louisiana 70130, Carl Baer - Federal Office Building, Room 821, 1240 East 9th Street, Cleveland, Ohio 44199, Carol Blackburn, Alan Kammerman and James Cannon - all located at New Studio Building, Room 211, 110 Tremont Street, Boston, Massachusetts 02108.

(b) The investigation was conducted at various times between March 29, 1972, and approximately December 1, 1972, by the persons set forth in answer to Interrogatory No. 12(a) at the respective locations indicated. The participation by these persons consisted of counting ballots, conducting interviews, serving subpoenas and reviewing membership records and other data in connection with the election.

(c) Plaintiff objects to this Interrogatory on the ground that the identity of persons who have furnished written or oral confidential information to a Government law enforcement agency is privileged.

(d) Plaintiff objects to this Interrogatory on the ground that the identity of persons who have furnished written or oral confidential information to a Government law enforcement agency is privileged.

(e) Plaintiff objects to this Interrogatory on the ground that the information is privileged.

(f) Plaintiff examined many documents and pieces of written material during the course of his investigation pertaining to union membership records, communications and general records pertaining to the conduct of defendant's International election. The examination of this material was conducted by plaintiff's representatives set forth in the answer to Interrogatory No. 12(a). The locations of these examinations are also set forth in the answer to Interrogatory No. 12(a). These examinations took place at various times between March 29, 1972 and approximately December 1, 1972.

(g) Plaintiff objects to this Interrogatory on the ground that the information requested is privileged.

(h) Plaintiff objects to this Interrogatory on the ground that the information requested is privileged.

13. (a) Thomas F. O'Callaghan - International President, William L. Caldwell - International Executive Vice President, Robert J. Lowen - International Secretary-Treasurer.

In addition to the names set forth above, the candidacies of all incumbents as well as all persons running against "opposition" candidates, who were closely aligned with the three officers set forth above, were promoted by use of the union funds in defendant's election.

(b) Defendant expended union funds to support the candidacies of the aforementioned persons through the distribution of the union publications attached hereto marked Exhibits K and L at union expense. On information and belief, defendant expended $1,356.60 for the printing and distribution of Exhibit K. Plaintiff has not yet ascertained the amount expended to print and distribute Exhibit L.

(c) See answers to Interrogatories Nos. 1(f), 2(e), 6(c) and 11(b).

(d) Objection. Plaintiff will furnish to defendant at the Pre-Trial Conference or other appropriate proceeding a list of all witnesses together with a brief statement as to which issues their testimony will be directed. Plaintiff is prepared to state, however, that the persons set forth in answer to Interrogatory No. 6 are potential witnesses to their respective protests.

(e) Plaintiff does not contend that the violations alleged in paragraph IX(a) of the Complaint violated any specific provisions of defendant's Constitution and By-Laws.

(f) By ordering and conducting a new election, prior to plaintiff's investigation, in accordance with Title IV, of the LMRDA (29 U.S.C. 481 et seq.) and in conformity with the Constitution and By-Laws of defendant insofar as lawful and

practicable, or by ordering and conducting a new election, subsequent to plaintiff's investigation, under plaintiff's supervision.

(g) The literature in question was distributed to the entire union membership and could therefore have influenced more than enough votes to alter the outcome of the election.

14. (a) Since the Port Agents of New York and Galveston, by virtue of their election to these offices, became Vice Presidents of the Atlantic and Gulf regions respectively, all members of former Locals 5, 11 and 14 in the ports of Boston, Baltimore, Philadelphia, Norfolk, Charleston and Savannah were denied the right to be candidates and hold office for the position of Atlantic Vice President, and all members of former Locals 4, 24 and 15 located in the Gulf Coast area, were denied the right to be candidates and hold office for the position of Gulf Vice President.

(b) See answer to Interrogatory No. 14(a).

(c) This violation occurred as a result of the application by defendant of Article XIX, Section 2(i) of the By-Laws of the Offshore Division.

(d) Objection. Plaintiff will furnish to defendant at the Pre-Trial Conference or other appropriate proceeding a list of all witnesses together with a brief statement as to which issues their testimony will be directed. Plaintiff is prepared to state, however, that the persons set forth in answer to Interrogatory No. 6 are potential witnesses to their respective protests.

(e) See answers to Interrogatories Nos. 1(f), 2(e), 6(c) and 11(b).

(f) No.

(g) By ordering and conducting a new election for the positions of Gulf and Atlantic Vice Presidents, prior to plaintiff's investigation, in accordance with Title IV of the LMRDA (29 U.S.C. 481 et seq.) and in conformity with the Constitution and By-Laws of defendant insofar as lawful and practicable, or by conducting a new election for those positions, subsequent to plaintiff's investigation under plaintiff's supervision.

(h) Denial of the right of members to be candidates for and hold the positions of Gulf and Atlantic Vice-Presidents respectively may have affected the outcome of the election for those positions.

15. (a) All the members of Gulf and Atlantic regions were denied a reasonable opportunity for the nomination of candidates.

(b) See answer to Interrogatory No. 14(a).

(c) See answer to Interrogatory No. 15(a).

(d) See answer to Interrogatory No. 14(c).

(e) Objection. Plaintiff will furnish to defendant at the Pre-Trial Conference or other appropriate proceeding a list of all witnesses together with a brief statement as to which issues their testimony will be directed. Plaintiff is prepared to state, however, that the persons set forth in answer to Interrogatory No. 6 are potential witnesses to their respective protests.

(f) See answer to Interrogatories Nos. 1(f), 2(e), 6(c) and 11(b).

(g) Plaintiff does not contend that the violations alleged in paragraph IX(b)(ii) of the Complaint violated any specific provisions of defendant's Constitution and/or By-Laws.

(h) See answer to Interrogatory No. 14(g).

(i) The denial of the right of the members set forth in the answer to Interrogatory No. 15(a) to nominate candidates for the offices of Gulf and Atlantic Vice-Presidents, may have affected the outcome of the election for those positions.

16. (a) The following members were denied the right to vote for or otherwise support the candidate or candidates of their choice:

(1) The entire membership of Local 47 with an approximate membership of 600;

(2) The members set forth in answer to Interrogatory No. 15(a);

(3) An approximate 750 members whose ballots were not counted by reason of an International Ballot Committee ruling that the envelopes were not post marked;

(4) Certain members whose ballots were post marked on or before December 20, 1971, but received after the last pick-up on the morning of December 22, 1971 and were not counted.

(b) The members set forth in sections (1), (3) and (4) of answer to Interrogatory No. 16(a) were denied the right to vote for or otherwise support all International candidates. The members set forth in section (2) were denied the right to vote for or otherwise support candidates for the positions of

Gulf and Atlantic Vice-President. The members set forth in sections (3) and (4) were denied the right to vote or otherwise support candidates for the positions of Port Agent and Assistant Port Agent - Port of Wilmington, Port Agent - Port of Portland, Port Agent - Port of Seattle, Port Agent - Port of Buffalo and Executive Assistant Port Agent - Port of San Francisco.

(c) See answer to Interrogatory No. 16(a).

(d) Defendant's representatives who were responsible for distributing ballots for use in the International election failed to provide the membership of Local 47 with ballots for use in the election. Denial of the right of members set forth in answer to Interrogatory No. 15(a), was the result of the application of Article XIX, Section 2(i) of the By-Laws of the Offshore Division. The International Ballot Committee acting on or about December 22, 1971, was responsible for refusing to count approximately 750 postmarked ballots as well as ballots postmarked on or before December 20, 1971 but received after December 22, 1971.

(e) Objection. Plaintiff will furnish to defendant at the Pre-Trial Conference or other appropriate proceeding a list of all witnesses together with a brief statement as to which issues their testimony will be directed. Plaintiff is prepared to state, however, that the persons set forth in answer to Interrogatory No. 6 are potential witnesses to their respective protests.

(f) See answer to Interrogatories Nos. 1(f), 2(e), 6(c) and 10(b).

(g) Yes. Article V,Section 8(d).

(h) See answer to Interrogatory No. 13(f).

(i) Had the members set forth in answer to Interrogatory No. 16(a) not been denied the right to vote for or otherwise support the candidate or candidates of their choice the outcome of the election for the positions set forth in answer to Interrogatory No. 16(b) may have been different.

17. (a) Article V, Section 8(d) of the International Constitution and Article XIX, Section 2(b) of the Offshore Division By-Laws.

(b) Defendant failed to conduct the election in accordance with the provisions of its Constitution and By-Laws as set forth in answer to Interrogatory No. 17(a) in the following particulars:

(1) Article V, Section 8(d) in that ballots were not mailed within 30 days following the close of the nominating period as required, and ballots were not dispatched to the entire membership of Local 47, also as required.

(2) Article XIX, Section 2(b) of the Offshore Division By-Laws in that candidates were not provided with certified lists of members upon request.

(c) With respect to section (1) of answer to Interrogatory No. 17(b), defendant's representatives who were responsible for distributing the ballots. With respect to section (2), the plaintiff has not ascertained each and every representative of defendant who was responsible for this denial, but is prepared to state that among those responsible were Frank Scavo, Executive Assistant Port Agent, Port of New York, and the members of the International Ballot Committee.

(d) Objection. Plaintiff will furnish to defendant at the Pre-Trial Conference or other appropriate proceeding a list of all witnesses together with a brief statement as to which issues their testimony will be directed. Plaintiff is prepared to state, however, that the persons set forth in answer to Interrogatory No. 6 are potential witnesses to their respective protests.

(e) See answer to Interrogatories Nos. 1(f), 2(e), 6(c) and 11(b).

(f) See answer to Interrogatory No. 13(f).

(g) The failure of defendant to mail out ballots within 30 days following the close of the nominating period, thrust the deadline for receipt of ballots into the Christmas mail rush, thereby occasioning the problems encountered by defendant in connection with non-postmarked ballots and ballots received after the balloting deadline. The failure to dispatch ballots to the membership of Local 47, deprived these persons of the right to vote in sufficient number to have affected the outcome of the election. The failure of defendant to provide candidates upon request with a certified list of members hampered the campaign activities of these candidates, who might otherwise have influenced sufficient votes to have affected the outcome of the election.

18. (a) Nicholas LaRocca, George Vance, Cornelius Coyle, Lawrence Burlingame - addresses set forth in answers to

Interrogatories Nos. 1(a) and (2), Florin Dente - Route 2, Box 992, Camas, Washington, Jerome Sawyer - 928 Nachez Street, San Pedro, California.

(b) Nicholas LaRocca - list of members of the Port of New Orleans; Florin Dente - a list of members of former Local 90; Jerome Sawyer - a list of members of former Local 90; George Vance - a list of all members eligible to vote in the International election; Cornelius Coyle - a list of members of the Port of New Orleans; Lawrence Burlingame - a list of ships on which members sailed.

(c) Nicholas LaRocca - requested on several occasions between August 2 and September 1971 to view the membership list of the Port of New Orleans, but each such request was refused by Captain Stegall, Port Agent, Port of New Orleans. Florin Dente - requested to inspect a list of the members of former Local 90 on several occasions between June and August of 1971, but each such request was refused by Charles Wallace, Port Agent, Port of Portland. Jerome Sawyer - in early August, request was made to inspect the membership list of former Local 90, but this request was denied by Robert Nelson, Port Agent, Port of Wilmington. George Vance - at a time as yet unascertained by plaintiff, prior to the election, requested to inspect a list of all members of the International, but this request was refused by Captain Stegall. Cornelius Coyle - same as LaRocca. Lawrence Burlingame - at a time as yet unascertained by plaintiff, prior to election, requested to inspect a list of ships, but this request was denied.

(d) See answer to Interrogatory No. 18(c).

(e) See answer to Interrogatory No. 18(c).

(f) Objection. Plaintiff will furnish to defendant at the Pre-Trial Conference or other appropriate proceeding a list of all witnesses together with a brief statement as to which issues their testimony will be directed. Plaintiff is prepared to state, however, that the persons set forth in answer to Interrogatory No. 6 are potential witnesses to their respective protests.

(g) See answers to Interrogatories Nos. 1(f), 2(e), 6(c) and 11(b).

(h) Plaintiff does not contend that the allegations in paragraph IX(c)(i) of the Complaint violated any specific provision of defendant's Constitution and By-Laws.

(i) See answer to Interrogatory No. 13(f).

(j) Denying certain candidates access to membership lists, thereby hampering campaign activities of these members, may have affected the outcome of the election.

19. (a) Plaintiff has alleged in paragraph IX(c)(ii) that defendant failed to comply with all reasonable requests of candidates, to distribute campaign literature. With respect to this allegation, plaintiff contends that defendant's requirement that candidates for localized port offices forward literature to New York for distribution, constituted a denial of the reasonable requests of candidates to distribute campaign literature. In addition, the unreasonable September 8, 1971 notification by the American Arbitration Association of the foregoing mailing arrangement requiring members to advise the Association of

contemplated mailings by September 13, 1971, also constituted a denial of the reasonable requests of candidates to distribute campaign literature. Many candidates were doubtlessly discouraged by the prohibitive cost and poor timing involved from requesting distribution of their literature. Specific candidates requesting but denied local distribution of campaign literature were as follows: Frank Burke 227 Covina Avenue, Love Beech, California, Jerome Sawyer, 928 Nachez Street, San Pedro, California, and Nicholas LaRocca, 514 Oakland Drive, Metairie, Louisiana 70003.

(b) Frank Burke - at a time as yet unascertained by plaintiff, made a request for local distribution of campaign literature to Captain Nelson, Port Agent, Port of Wilmington, but this request was denied. Jerome Sawyer - same as Burke. Nicholas LaRocca - on September 7, 1971, was advised by American Arbitration Association representative Tannenbaum in New York, that literature would not be distributed on a local basis.

(c) The names and addresses of persons making requests for localized mailing of campaign literature are set forth in answer to Interrogatory No. 19(a). Set forth in answer to Interrogatory No. 19(b) are the representatives of defendant to whom the requests were made and the places where the requests were made. Also set forth in this answer are the dates where available when such requests were made. On information and belief, the requests ware made orally.

(d) See answer to Interrogatory No. 19(a), (b) and (c).

(e) See answer to Interrogatory No. 19(a).

(f) The plaintiff is not aware of the content of the campaign literature which each candidate requested to be distributed. On information and belief, each of the aforementioned candidates requested distribution by mail.

(g) Objection. Plaintiff will furnish to defendant at the Pre-Trial Conference or other appropriate proceeding a list of all witnesses together with a brief statement as to which issues their testimony will be directed. Plaintiff is prepared to state, however, that the persons set forth in answer to Interrogatory No. 6 and potential witnesses to their respective protests.

(h) See answers to Interrogatories Nos. 1(f), 2(e), 6(c) and 11(b).

(i) The plaintiff does not contend that the violations alleged in paragraph IX(c)(ii) violated any specific provisions of the Constitution and/or By-Laws.

(j) See answer to Interrogatory No. 13(f).

(k) The unreasonable requirements imposed upon candidates for the mailing of campaign literature certainly discouraged candidates from mailing literature and influencing voters, and may have affected the outcome of the election.

20. (a) The incumbent candidates caused to be distributed to the entire membership at union expense Exhibits K and L, attached hereto, which plaintiff contends constituted campaign literature. Other candidates in the election should therefore have been afforded distribution of their literature in

a similar manner and with equal force and effectiveness as that of the incumbent officers. Although the union, pursuant to a Court Order issued by Judge Croake of the United States District Court, Southern District of New York, Civil Action No. 71 CF 4113, attempted to cure this problem by distribution of opposition candidates' literature, the mailing of this literature did not occur until sometime after November 1, 1971, at which point in time over half the ballots cast in the election had been returned. Candidates in the election were, therefore, treated unequally with respect to the distribution of campaign literature.

(b) See answer to Interrogatory No. 13(a).

(c) See answer to Interrogatory No. 20(a).

(d) See answer to Interrogatory No. 20(a).

(e) Objection. Plaintiff will furnish to defendant at the Pre-Trial Conference or other appropriate proceeding a list of all witnesses together with a brief statement as to which issues their testimony will be directed. Plaintiff is prepared to state, however, that the persons set forth in answer to Interrogatory No. 6 and potential witnesses to their respective protests.

(f) See answers to Interrogatories Nos. 1(f), 2(e), 6(c) and 11(d).

(g) Plaintiff does not contend that the violations alleged in paragraph IX(c)(iii) violated any specific provisions of defendant's Constitution and By-Laws.

(h) See answer to Interrogatory No. 13(f).

(i) Defendant's failure to treat candidates equally with respect to campaign literature resulted in an unfair

advantage for the incumbents in the subject election, who were enabled to attempt to influence voters in a way not permitted opposition candidates.

21. (a) Defendant, through its two separate distributions at union expense of Exhibits K and L attached hereto, utilized membership lists and information as to the last known shipping addresses of members. Candidates other than the incumbents were not afforded the opportunity of equal access to such membership lists and shipping lists.

(b) See answer to Interrogatory No. 21(a).

(c) General union membership lists and information indicating the last known shipping addresses of members.

(d) See answer to Interrogatory No. 21(a).

(e) See answer to Interrogatory No. 21(a).

(f) Objection. Plaintiff will furnish to defendant at the Pre-Trial Conference or other appropriate proceeding a list of all witnesses together with a brief statement as to which issues their testimony will be directed. Plaintiff is prepared to state, however, that the persons set forth in answer to Interrogatory No. 6 and potential witnesses to their respective protests.

(g) See answer to Interrogatories Nos. 1(f), 2(e), 6(c) and 11(d).

(h) The plaintiff does not contend the violations alleged in paragraph IX(c)(iv) of the Complaint violated any specific provisions of defendant's Constitution and/or By-Laws.

(i) See answer to Interrogatory No. 13(f).

(j) Discriminatory action with respect to the use of membership lists enabled incumbents to more effectively communicate with voters, and thus may have affected the outcome of the election.

22. Plaintiff objects to this Interrogatory on the ground that the information requested is privileged. However, by reference to Exhibit J, attached hereto, defendant may readily ascertain those matters raised therein, which were not the subject of an alleged violation in plaintiff's Complaint.

23. The plaintiff has no authority to promulgate rules or regulations with respect to the alleged violations which are the subject of the Complaint, however, plaintiff has caused to be published at 29 C.F.R., Parts 451 and 452, certain interpretations which serve as a guide to plaintiff in the discharge of his statutory duties.

24. The control procedures utilized by the defendant, were not, on their face, improper or inadequate so as to constitute a violation of Title IV of the LMRDA.

25. Not applicable.

26. Article XIX, Section 2(i) of the Offshore Division By-Laws.

27. The application of this provision in the subject election violated Title IV of the LMRDA in the following particulars:

(1) Members in good standing were denied the right to be candidates and to hold office;

(2) Members in good standing were denied a reasonable opportunity for the nomination of candidates; and

(3) Members in good standing were denied the right to vote for or otherwise support the candidates of their choice.

27.* Article XIX, Section 2(i) as an interim measure for the election in question would not be a factor in subsequent elections, and therefore, no changes would be necessary.

28. No

29. Not applicable.

30. Not applicable.

32.* No.

33. Not applicable.

Henry A. Queen
Chief, Branch of Elections and Trusteeships
Office of Labor-Management and Welfare-Pension Reports
United States Department of Labor

Subscribed and sworn to before me

this 21 day of March, 1973.

Notary Public

My commission expires 7-1-74.

*/ Defendant has propounded two Interrogatories No. 27, which are answered in this same order, and has not propounded any Interrogatory No. 31.

December 22, 1971

International Ballot Committee
Int'l Org'n of Masters, Mates & Pilots
39 Broadway
New York, N.Y., 10006

Mrs. Margaret U. Carlson, Election Director
American Arbitration Association
140 West 51st Street
New York, N. Y.

Dear Sirs and Madam:

In addition to previously challenging all ballots not postmarked, we now challenge all ballots not postmarked to be set aside and not counted, to be counted separately from all other ballots.

Very truly yours,

James Keane

Lloyd Sheldon

V. Seta

John R. Seybert

H. L. Nereaus

L. Berlingame

Charles A. Hemming

BEST COPY AVAILABLE

EXHIBIT A

Minutes of the Meetings of the

International Ballot Committee for the

1971 Election of International, Offshore Division

and Pilots Division Officers

I The meeting was called to order by Chairman Nelson at 1010 hours on Monday, August 30, 1971 at the offices of the International Organization.

Present were the following Committee members: R. Nelson-Chairman, J. Valensi-Secretary, P. Mitchell, L. Reynolds, and G. Eisenhaur.

Also present were M. Schwartz, International Counsel, J. Harold, J. Gaier, F. Scavo and K. Camisa.

II The Committee reviewed a request by Brother Amos Koonce, who had accepted nomination for both a paid Offshore Division office and a paid International office, that his name be withdrawn from the Offshore (Port of New York) ballot. Mr. Harold who served as Counsel to former Local 88 reported to the Committee on the past practice of local Ballot committees in removing a candidate's name from the ballot. It was noted that Mr. Koonce, his attorney and other candidates for office were waiting at the offices of the American Arbitration Association to present their case. Consequently, action on the request was delayed until the Committee could hear from the applicant.

EXHIBIT B

III The committee also reviewed a request that membership lists be made available to the candidates. Information concerning the past practice of former Local 88 was offered by Mr. Harold and Captains Gaier and Scavo. It was agreed to delay action on these requests until the applicants made their presentations.

IV It was observed that once the technical aspects of preparing the ballots were solved, the ballots should be printed and distributed without great delay. Motion was made, seconded and adopted to use the printer which printed the ballots for Constitutional amendments, Wirth-Strahler & Son, Inc., for the ballots for officers.

V The Ballot Committee recessed for lunch at 1140 hours.

VI The meeting was reconvened at 1340 hours 8/30/71. in the offices of the American Arbitration Association, 140 West 51st Street, New York City. Present were all the members of the Committee, M. Schwartz, International Counsel; Mrs. M. Carlson and Mr. S. Tannenbaum (American Arbitration Association); Messrs. A. Koonce, L. Burlingame, V. Soto, H. Nereaux, L. Sheldon and their Counsel B. Hall; and Messrs. M. Weinstein, J. Gaier, F. Scavo and K. Camisa (Organization observers).

VI The Committee heard the objection of Mr. V. Soto that the American Arbitration Association is conducting the election. In executive session, motion was made, seconded and adopted to confirm the Convention action selecting the A.A.A. to conduct the election.

EXHIBIT B

VII The Ballot Committee then listened to the appeal of Mr. A. Koonce and the circumstances in his case. He reiterated his request to be withdrawn from the Offshore (Port of New York) ballot for the office of Executive Assistant Port Agent and made a new request that he be withdrawn as a candidate for Convention Delegate. In executive session motion was made, seconded and adopted to include Mr. Koonce on the International ballot and to remove his name from the Offshore (Port of New York) ballot as a candidate for Executive Assistant Port Agent.

VIII Mr. Hall, on behalf of his clients Burlingame, Soto, Nereaux, Sorrentino, Morales, Clifford, Hemming and Seybert, requested that a copy of the mailing list of former Local 88 (now Port of New York) be given to any candidate who desired it. In executive session motion was made, seconded and adopted that no candidate be given a copy of the mailing list of members, which would violate the confidential nature of Union records. However, each candidate would have the opportunity to inspect the list, as permitted by law, and each candidate would be able to have equal opportunity to mail campaign literature to members appearing on the list.

XI Mr. Eric Schmertz of the American Arbitration Association joined

74a

the meeting at 1700 hours. After considerable discussion of various actions taken earlier by the International Ballot Committee it was agreed to recess the meeting. The meeting was recessed at 1740 hours.

* * * * * * *

X The meeting was reconvened by Chairman Nelson at the offices of the International at 1045 hours on Tuesday, August 31, 1971.

Present were the following Committee members: R. Nelson, J. Valensi, P. Mitchell, L. Reynolds and G. Eisenhaur. Also present were M. Schwartz, International Counsel and K. Camisa.

XI After further discussion of the request of Mr. A. Koonce motion was made, seconded and adopted to accept his most recent request that his name be withdrawn from the ballot as a candidate for Convention Delegate.

XII The meeting was recessed for lunch at 1200 hours.

XIII The Committee reconvened at 1330 hours. A telegram from Brother E. Bissonnette requesting that he be placed on the Offshore (Port of Providence) Ballot, was received and read. Since Mr. Bissonnette indicated that he would be in New York on August 31, 1971

the Committee decided to delay action until he arrived and explained his case.

XIV Mrs. Carlson and Mr. Tannenbaum of the American Arbitration Association joined the meeting at 1525 hours. There was a discussion of the use of mailing services for the distribution of campaign literature by candidates. It was decided that the confidential nature of the Union's address list could not be protected if the lists were available to numerous commercial mailing services. Also, costs to the candidates could vary significantly from one city to another. Motion was made, seconded and adopted to use the American Arbitration Association as the independent mailing service for the distribution of campaign literature. A further motion was made, seconded and adopted that the AAA promptly notify each candidate for office of the procedures, cost and other necessary information for the mailing of literature and that each candidate be given an opportunity to mail literature prior to the mailing of ballots.

XV The Committee reviewed past practice in the issuance of duplicate ballots. Motion was made, seconded and adopted that "Duplicate Ballot Request" postal cards be printed and distributed to all port offices. The American Arbitration Association will receive the request, check the individual's status and take the appropriate actions.

XVI In preparing the ballots various methods of determining the order in which candidates appear, were reviewed. It was agreed that the most democratic, impartial system would be to "draw" ballot positions from a box. Mrs. Carlson with the assistance of Mr. Tannenbaum of the American Arbitration Association then proceeded to draw ballot positions for the various offices from a box. The order in which the names are to appear in top - to - bottom, or left - to - right where such applies, fashion is:

International Offices

President:	R.B. Wright	L.W. Sheldon	T.F. O'Callaghan
Executive Vice-President:	G. Vance	W. M. Caldwell	A.E. Koonce
Secretary-Treasurer:	R.J. Lowen	G. H. Balser	C.O. Norstran

Pilots Division Offices

D.S. Grant
F.E. Smith

G.I. Smith
J.J. Bryant

L.E. Miller
R.E. Walton

F.E. Smith
W.J. Daniels
L.E. Miller

EXHIBIT B

Offshore Division Offices

Port of San Francisco

H. Friedman
J. Ofelt
O.A. Larson

G.M. Tuttle
R.M. Olson
G. Bomareto
R.A. Wood
V.G. Valentine

G.A. Perry
L.M. Martin

D.F. York
E.M. Caldwell
M.R. Armbrust

M. Kay
H.E. Mannering
A.E.J. Duggan
W.C. Jackson

Port of Seattle

A.E. Pierce
F.R. Cain
F. Dente
R.J. Soriano
J.N. Haverfield

Port of Portland

C.W. Wallace
G. Folden
M.B. Shuman
D.C. Dunn
R.E. Perry
A.G. Morriss
N. Ralph

EXHIBIT B

Port of Wilmington

E.L. Wheeler
F. Burke
R.T. Bara
H.C. Walther
G.M. Duggan
T.G. Anderson

R. Edmonds
N. Barbara
R.A. Lindsay
A.J. Maehl
W.H. Abbey
W. Morel
F.L.Allen
J. Haring
J.L Sawyer

Convention Delegates - All West Coast Ports

R.J. Soriano
R.A. Lindsay
A. Pleshe
F.L Allen
W.M. Caldwell
E.L. Wheeler
T.K. Earle
R.T. Bara
H.C. Walther
V.G. Valentine
C.W. Wallace
J.H. Magnusson
F. Dente
J.N. Haverfield
M. Kay
G. Charlot
H. Friedman
M.B. Shuman
W.H. Abbey
W. Morel
E.M. Caldwell

EXHIBIT B

Port of New Orleans

N.L. LaRocca
H.M. Stegall

C.F. Coyle
R.M. Casselberry

C.F. Coyle
J. Morales
R.M. Casselberry

H.J. Landry
A. Reid
M.E. Pscenicka
H.M. Stegall

Port of Baltimore

J.R. Silver
J.Q. Conrad

Port of Savannah

H.H. Williams
A.H. Williams

Convention Delegate - Ports of Baltimore, Philadelphia, Norfolk, Charleston, Savannah

T.F. O'Callaghan
J.R. Silver
J.J. Handley
W.K. Beach
H.H. Williams

EXHIBIT B

Port of New York

C.A. Hemming
J.B. Gaier

F.T. Scavo
J.J. Clifford

L.A. Burlingame
R.J. Polachek

K.E. Fowler
J.C. White
E.K. Swanson
H. Nereaux
V. Soto
W.R. Sorrentino
J.A. Moralis
R.K.E. Lehmann
J.R. Seybert
J.E. Corneille
J.T. Brady
E.J. Hendry
F.W. Carey

L.A. Burlingame
V. Soto
H. Nereaux
J.C. White
R.J. Polachek
J.E. Corneille
E.J. Hendry
J.J. Clifford
F.T. Scavo
W.R. Sorrentino
C.A. Hemming

Port of Providence

J.F. Beirne
M.A. Andrews
G.H. Bassett

Port of Galveston

R.L. Jones
A.N. Gordon

EXHIBIT B

Port of Houston

R.H. McLaurin
R.N. Polumbo
P. Wilkins

T.D. Neuman
R.C. Chamberlin

Port of Port Arthur

P.J. Doherty
J.R. Giblin
W.B. McNeal

Convention Delegates - Ports of Galveston, Houston, Port Arthur

C.D. Connally
J.R. Giblin
T.D. Neumann
F.V. Beechinor
R.N. Polumbo
T.J. Teddlie

Port of Tampa

J.S. Purdy
J.A. Stanley
J.R. Holland
G.F. Clarke

Convention Delegate - Ports of Mobile and Tampa

J.S. Purdy
J.A. Stanley
W.J. Anderson
G.E. Odom

Port of Jacksonville

R. MacAlvanah
A.C. Scott

Port of Hollywood

J.T. Russell
J.W. Brown
G.J. Hatch
A.J. Murphy

EXHIBIT B

82a

Alternate Convention Delegate - Ports of Jacksonville, Hollywood

F. Hefner
J. Spiegel

Port of Boston

G.E. Landrigan
P.J. Connolly
P.J. King

W.H. Doherty
P.J. King
P.J. Connolly
F.C. Flaherty

XVII At 1710 hours the representative from the printer, H. Strahl was invited to join the meeting to discuss the preparation o the ballots. After much discussion motion was made seconded adopted that the ballots be prepared for the election as fol

Members only voting for International Officers

a) Ballots and envelopes to be salmon colored.

b) Ballot will have instructions on tear-off s

c) Return envelopes will be numbered for contr purposes.

Members voting for International and Pilots Division Officer

a) Ballots and envelopes to be green colored.

b) Ballot will have instructions on tear-off s International Officers' ballot on right sid inside fold, Pilot Division ballot on back.

c) Return envelopes will be numbered for cont purposes.

Members voting for International and Offshore Division Officers

a) Ballots and envelopes to be grey colored.

EXHIBIT B

b) Ballots will have instructions on tear-off International Officers' ballot on right side inside fold, and the ballot for each individ Offshore Division port will be printed on th back.

c) Return envelopes will be numbered for contr purposes.

It was further moved, seconded and adopted that for even grea security of the ballots the AAA watermark be imprinted on the right side of the inside fold of every ballot and the AAA wou use its mail "date-time, receipt" machine on each ballot.

XVIII The meeting was recessed at 1825 hours.

* * *

XIX Chairman Nelson reconvened the meeting at the offices of the International at 1005 hours on Wednesday, September 1, 1971, with all Ballot Committee members present.

Various aspects of the election were discussed.

XX Mr. Tannenbaum of the American Arbitration Association joined the meeting at 1015 hours and brought with him the mailing li of eligible voters provided by the Organization. The Committ went over the listing carefully, advising which ballot is to mailed to each group of members. It was noted that lists wer provided for all subordinate bodies entitled to receive ballo Mr. Tannenbaum reported that arrangements had been completed the security of the ballots after they are returned, and prio to the counting. The return envelope will be addressed to the American Arbitration Association, c/o Safe Deposit Vault, American Trust Company. The ballots will remain in the [illegible]

until the International Ballot Committee and the American Arbitration Association empowered by the appropriate order, request all the ballots cast at the end of the balloting peri

XXI The meeting was recessed for lunch at 1155 hours.

XXII The meeting was reconvened at 1400 hours. The Committee rece. a letter from Brother Milton A. Andrews, a candidate for Port Agent and Convention delegate in the Port of Providence, requ ing that his name be withdrawn from the ballot. After discussion motion was made, seconded and adopted removing the of Milton A. Andrews from the Offshore Division ballot in the Port of Providence. The ballot position of the remaining can. ates are to be adjusted appropriately.

It was noted that no further communication has been received as yet from the other applicant from the Port of Providence, Mr. Elphege Bissonette.

XXIII Turning again to the matter of distribution of campaign litera ture, the Committee made a request to the International Office that a number of copies of the mailing list of members (in lab form) be prepared and sent to the American Arbitration Associa to prevent any delay in the mailing of literature.

XXIV Chairman Nelson recessed the meeting at 1800 hours.

* * *

XXV The meeting was called to order on Thursday, August 2, 1971 at 0930 hours in the offices of the International Organization. Brothers Nelson, Valensi and Eisenhour were present and

EXHIBIT B

Brothers Reynolds and Mitchell had departed to their home ports.

VI The Committee discussed the procedures which might be followed if a member wished to change his selection after marking a ballot, or if a ballot was accidently marked or mutilated. A motion was made, seconded and adopted to require a member to return his original ballot with a request for a duplicate, if the original becomes torn, marked, etc.

VII The Ballot Committee then reviewed all the documents and procedures which it had acted upon and all requirements of the International Constitution. It was agreed that all necessary actions had been taken or plans had been made to act later.

VIII The Committee noted that Mr. E. Bissonette has not appeared before the Committee, as he indicated in his telegram, and no telephone calls or other communication has been received. After reviewing all the facts in his case motion was made, seconded and adopted that Mr. Elphege Bissonette not be added to the ballot for the Port of Providence.

IX There being no further business to be acted upon by the International Ballot Committee the meeting was adjourned at 1225 hours.

R. Nelson, Chairman

J. Valensi, Secretary

BEST COPY AVAILABLE

EXHIBIT B

The meeting was called to order by Chairman Nelson at 0930 hours on December 21, 1971, at the offices of the American Arbitration Association. All International Ballot Committee members were present. Also present were Margaret Carlson, K. Camisa, M. Schwartz, B. Hall, H. Nereaux, A. Holdeman, L. Sheldon, A. Koontz, R. Polachek, R. Lowen, L. Burlingame, C. Hemming.

Bros. Nereaux, Holdeman, Sheldon, Koontz, Burlingame and Hemming made a number of objections to the entire election. These objections were made orally and in writing by them personally and also by their attorney. A verbatim record by a stenotype reporter was made of the oral objections and all of the written objections were received and marked as exhibits.

At approximately 1030 hours, Chairman Nelson stated that the Committee would go into executive session to consider the various objectio and would meet with everyone again at 1500 hours.

At approximately 1500 hours, Chairman Nelson again called the meeting to order and all persons were present, and the verbatim record was continued. Chairman Nelson announced that the Committee had unanimously decided to proceed with the balloting for the election of the International, Offshore Division and Pilots Division officers and that it would commence at 0900 hours on the following day at the offices of the American Arbitration Association.

BEST COPY AVAILABLE

87a

On December 22, 1971, Chairman Nelson called the meeting to order at 1540 hours at the offices of the American Arbitration Association. All International Ballot Committee members were present. Also present were K. Camisa, M. Schwartz, F. Scavo, H. Nereaux, J. Gaier, M. Weinstein, R. Polachek, A. Holdeman, J. Moralis, G. Landrigan, A. Koonce, R. Lowen, J. Bryant, C. Hemming, V. Soto and L. Sheldon.

Bros. Sheldon, Hemming, Koonce, Gaier, Scavo, Polachek and Soto objected to the counting of ballots that were not postmarked. Bros. Nereaux and Moralis argued that such ballots should be counted. Chairman Nelson observed that on the previous day the attorney for Bros. Nereaux and Moralis had argued strenuously that they also objected to the counting of such ballots and that one of the written objections submitted by Bro. Nereaux was against counting such ballots.

The Committee then went into Executive session and reconvened at approximately 1615 hours at which time Chairman Nelson announced that the Committee had unanimously decided against counting ballots that were not postmarked.

The following day at approximately 12:30, the Committee met at the International office and decided to proceed with the announcement of the results of the election as tabulated by the American Arbitration Association.

EXHIBIT B

88a

The Committee also discussed arrangements for the prompt commencement of the run-off elections for various West Coast Offshore Division candidates.

At approximately 1400 hours, Chairman Nelson recessed the meeting until January 5, 1972.

On January 5, 1972, Chairman Nelson again called the Ballot Committee meeting to order at 1130 hours at the offices of the American Arbitration Association. All International Ballot Committee members, except P. L. Mitchell, were present. Also present were Margaret Carlson, K. Camisa, M. Schwartz, R. Lowen, R. Polachek and F. Scavo. The purpose of the meeting was to review the uncounted ballots. The boxes holding these uncounted ballots had been sealed by the American Arbitration Association and the Ballot Committee decided to wait for some of the other candidates who had made protests.

M. Schwartz was instructed to call B. Hall who advised his clients would arrive shortly. After about two hours, both C. Hemming and L. Sheldon were present and the uncounted ballot boxes were opened and the American Arbitration Association, the Ballot Committee and the candidates proceeded, for the rest of the afternoon, to review the various challenges and to count certain additional ballots.

EXHIBIT B

The meeting was called to order by Chairman Nelson at 1030 hours on January 6, 1972 at the offices of the International. Bros. Eisenhauer, Reynolds and Valensi were present. Also present was International Counsel.

The Committee went into Executive session. The Ballot Committee read the transcript of the December 21st meeting and all of the exhibits. International Counsel reviewed each of the exhibits for the Ballot Committee. Mail addressed to the Committee by C. Hemming and B. Hall, sent after the ballots were counted, was also reviewed. Also reviewed was written material submitted last evening by L. Sheldon. International Counsel was then excused and the Committee continued to review the objections. The Ballot Committee then voted unanimously to deny all objections except for those previously allowed in the minutes.

Finally, the Committee voted unanimously to certify that the election was conducted in accordance with the International Constitution.

At approximately 1230 hours, Chairman Nelson advised the American Arbitration Association of the Ballot Committee's action and requested certification of the election results as quickly as possible.

EXHIBIT B

90a

At 1500 hours the Ballot Committe proceeded to the American Arbitration Association to prepare run-off ballot for the various West Coast Offshore Division candidates.

R. Nelson, Chairman

J. Valensi, Secretary

EXHIBIT B

BEST COPY AVAILABLE

EXHIBIT C

[illegible]

EXHIBIT D

[illegible] Article VI, [illegible] one million-odd of [illegible] the large number of [illegible] is apparent that [illegible] outcome of the election.

5. Candidates [illegible] of the International Organization [illegible] as to the manner by which [illegible] specifically, the notice [illegible] distributed by local [illegible] to distribute such material [illegible] City; additionally, the [illegible] carried out through New York City [illegible] injury burden upon candidates and [illegible] distribution by mail carried out.

6. After the ballot count from the [illegible] Local 23, had been completed as to the [illegible] known that the [illegible] votes, one of those by the [illegible] for the top job in the New York [illegible] then as Vice President-Athletic of the [illegible] International Ballot Committee, [illegible] irregularities of ruling, directed that [illegible] not be counted; and a recount, as [illegible] 1/3 of which were cast by [illegible] uncounted.

7. The violation [illegible] violation for the [illegible] several candidates as to [illegible] of the [illegible] numbers of [illegible] ballots cast despite the [illegible] fraud, and this information [illegible] action.

8. [illegible] candidates other [illegible] that which does on his [illegible] number which [illegible] this, [illegible] so much [illegible] ballot. This [illegible] ballot.

EXHIBIT D

BEST COPY AVAILABLE

EXHIBIT D

EXHIBIT D

/ mR

[illegible] Ballot Co[illegible]
[illegible] of Masters, [illegible]
[illegible]
[illegible], N.Y.

Gentlemen:

This letter is sent by [illegible]
Abonia, Charles Herter[illegible], C[illegible]
[illegible] Marchant, each of them [illegible]
are recently-enrolled electors [illegible]
[illegible] Boro Division. In behalf of [illegible]
reaffirm and repeat the objections, [illegible]
individually made by each of [illegible]
[illegible] particular, I confirm and repeat [illegible]
appeals noted in the letters of [illegible]
offered by various candidates (including myself
named) were submitted to you on that date; I also
request the protests, challenges [illegible] made
by each of the above subsequent to the period of [illegible]
the failure and refusal of the Ballot Committee [illegible]
authorize or direct the counting of ballots which [illegible]
their outer envelopes and the deliberate failure
of the authorize or direct the counting of ballots [illegible]
and before the close of the 90-day period, [illegible]
refused and denied. In regard to both these [illegible]
draw your attention to Article V, Section 3(f) of [illegible]
Election, which provides that all ballots mailed [illegible]
and, if cast by eligible voters, [illegible]
ballots which are postmarked later than the closing date [illegible]

In regard to all the above matters, and on behalf [illegible]
persons named above, I request that you advise me [illegible]
and all appellate remedies available to me and/or [illegible]
named persons, within either the time or [illegible]
make request that you promptly advise me of any
error committed by me or by any of the above-named [illegible]
of any such protest, challenge or appeal, and of any [illegible]
thereto to me and/or to any of the above-named.

[illegible] my understanding, [illegible] upon the [illegible]
Petitioner and by its counsel, Martin Schwartz, Esq., [illegible]

EXHIBIT E

EXHIBIT E

Jan 6, 1972

Challenge made to International Ballot Committee during Ballot Count at AAA on Jan 6, 1972

I challenge any decision by the Ballot Committee or any other duly constituted authority that denies the Constitutional and/or legal right of any eligible member of IOOF to have their Ballot counted if there was any irregularities with the International Constitution and/or controlling Federal Law

Respectfully,

/s/ Charles E. Hemming

EXHIBIT F

December 27, 1971

The Ballot Committee
International Organization of Masters,
Mates & Pilots
39 Broadway
New York, New York 10006

Mrs. Margaret U. Carlson, Election Director
The American Arbitration Association
140 West 51st Street
New York, New York 10020

Dear Sirs and Madam:

Re:(Election IOMM&P 9/21/71 - 12/21/71)

This letter concerns the ballot envelopes (approximately one hundred and forty) which were challenged on December 22, 1971, because they had not been cancelled by the Postal Service. My reasons for challenging these ballot envelopes were based on the following:

First, please refer to my letter of December 7, 1971, addressed to Mr. Donald Straus, President, American Arbitration Association, in which I mentioned the possibility of two complete sets of ballots having been printed in Baltimore and that this had to be taken into consideration as the printer involved has apparently done a considerable amount of work for our union in the past including the printing of campaign literature by and for the incumbent officials.

It is also my understanding that no representative of the American Arbitration Association was present at the time of the actual printing to supervise the printing of these ballots and that the printer has a close personal relationship with some of the incumbent officials of the IOMM&P. My colleagues and I, therefore, view this whole situation with a great deal of skepticism as if two sets of ballots were printed at that time, then the obvious intention of those in possession of them would be to use them in a manner best suited to their purposes.

At this juncture, I would like to bring to your attention the following excerpt from a recent article (copy enclosed) in the New York Times: "....markets on the piers are controlled primarily by three organized crime groups, according to Federal, state and commission investigators. The Mafia families headed by Carlo Gambino and Gerardo Catena, respectively, control most of the Brooklyn and New Jersey piers...these underworld elements are said to exert their influence on the waterfront through cooperative dock workers and union officials.. Mr. Davitt charged that the agency had under way no active investigation of any of the four leading officials of the waterfront unions who, he said were members of the Carlo Gambino, Mafia family. He identified the four as Anthony Scotto, President of Local 1814, International Longshoremen's Association, Anthony Anastasia, Secretary-Treasurer of the ILA Local 761, John Scotto, President of ILA Local 1702 and Joseph Colozzo, then president of ILA Local 1277....."

As you are aware it is common knowledge that organized crime has infiltrated many legitimate businesses, including banking institutions, and with the IOMM&P now a small part of this ILA Union the possibility of organized crime influencing this election should be taken into consideration.

BEST COPY AVAILABLE

EXHIBIT G

We were also given to understand that the American Bank & Trust Company of 301, East Fordham Road, Bronx, New York 10458, had never transacted any business with the American Arbitration Association prior to this current election, but the reasons for which it was chosen by the person/s making this choice has not been clarified to our satisfaction.

On October, 21, 1971, I wrote to the Postmaster of the United States Post Office, Bronx, New York 10451, requesting that all ballots received at the Fordham Station at 189th Street and Park Avenue, Bronx, New York, 10458, should be stamped to show that these envelopes had passed through the postal system. The Postmaster, Mr. Frank J. Viola, in his reply to me dated November 1, 1971, stated: "Every effort will be made to see that all mail addressed to the American Arbitration Association c/o Safe Deposit Vault, American Bank & Trust Company, 301 East Fordham Road, Bronx New York 10458, arriving at the Fordham Station 10458 without a postmark is postmarked before delivery to the addressee....."

This was a very definite commitment on the part of this Postmaster, and on the strength of this statement I challenged every ballot that was received without a postmark. I should, however, like to point out to you that other possibilities definitely exist for the lack of the postmarks on the approximately (140) challenged ballots received:

1. That the ballot enevelopes without the postmark did not pass through the postal system, in which case they are probably fraudulent.

2. This post office did not cancel the envelopes due to the heavy influx of Christmas mail.

3. That the ballot envelopes were received prior to my written request.

In view of the above I would like to request:

1. That these ballot envelopes (approximately 140) be subjected to a most careful scrutiny, the signature of each to be checked by a handwriting expert/s for possible forgeries. If any are found they are to be promptly referred to the Federal authorities.

2. Ballots in envelopes bearing valid signatures should be tallied to see whether they change the result of the election, and if such is the case - new problems arise.

3. If and when these ballots (approximately 140) are checked, I would like to remind you that each and every ballot is supposed to bear a time-stamp. For your information Captain Robert Nelson stated in a conversation with me on December 22, 1971, that Mrs. Margaret U. Carlson had marked the ballots in a manner known only to her.

I trust the above will enable you to determine in as short a time as possible the validity of the approximate 140 (one hundred and forty) challenged ballots at present in custody of the American Arbitration Association in relation to the Offshore Division, New York (formerly Local #88) election.

Very truly yours,

Charles A. Hemming

copies to Burton Hall, Jack Ofelts, Jr.
and U.S. Dept. of Labor, New York City

EXHIBIT G

BURTON H. HALL
ATTORNEY AND COUNSELLOR AT LAW
401 BROADWAY
NEW YORK, N. Y. 10013
431-3114

191a

January 19, 1972

General Executive Board
c/o Robert J. Lowen, Int'l Secretary-Treasurer
Int'l Org'n of Masters, Mates & Pilots
39 Broadway
New York, N.Y., 10006

Dear Sirs:

On behalf of Lloyd Sheldon, Amos Koonce, Charles Norstrand, Charles Hemming, Lawrence Burlingame, Henry Mereaux, John Seybert, Victor Soto, John Moralis, Jack Ofelt, Ashley Gordon, George Vance, Nicholas Latocca, Cornelius Coyle, Walter Anderson and Robert McAllinah, each of them a member of IOMM&P and a candidate for office in the recent election for officers of IOMM&P and its Offshore Division, I appeal from the conduct of the said election and from the violations committed in regard thereto. Specifically, on behalf of each of the persons named above, I appeal from and protest the violations of law, committed in the course of the conduct of the said election, that are specified hereinbelow.

(i) The IOMM&P's incumbent officers, in their official capacities, authorized and directed the printing, publication and distribution at IOMM&P expense, and the use of IOMM&P's mailing lists, of and for campaign literature in aid of the candidacies of the said incumbent officers as candidates for re-election. In particular, three pieces of campaign literature were printed, published and distributed by IOMM&P and at its expence and with the use of IOMM&P's mailing lists: (a) a document entitled "60th Convention Newsletter on the Resolution of Affiliation of the IOMM&P with the ILA," which was published in late August 1971; (b) a document known as the August 1971 issue of the union's official journal, The Master, Mate & Pilot, which was published late in August or early in September 1971; and a document entitled "International Organization of Masters, Mates and Pilots" and bearing the headlines, "All Constitutional Amendments and Resolutions of the 60th Convention Ratified" and "Affiliation of IOMM&P as the International Marine Division of the ILA (AFL-CIO) Affirmed," which was published in November 1971. All these documents were published as official publications of IOMM&P, at the expense of IOMM&P, and with discriminatory use of IOMM&P's mailing lists, which equal opportunity denied other candidates for office for similar publication of their campaign literature and/or similar use of the mailing lists for such publication.

(ii) The members of [illegible], IOMM&P [illegible] numbers, were denied the right to vote in the election [illegible] notices of the election were sent to them and no ballots [illegible]

EXHIBIT H

them, they were given no opportunity to obtain or to cast ballots, and they were given no reasonable opportunity to nominate candidates.

(iii) The printing of ballots was turned over to a printer in Baltimore who has maintained for many years close business and other ties with incumbent officers, candidates for re-election with the result that the said incumbent officers were given control over the number of ballots printed and access to such ballots.

(iv) Contrary to the resolution of the IOMMP Convention providing that AAA should conduct the election and contrary to that provision of the IOMMP Constitution providing that the balloting agency shall prepare the ballot, the ballot was in fact prepared and printed without the AAA's participation and outside the control of the AAA.

(v) Contrary to Art. V, Section 3(d) of the IOMMP Constitution ballots were held back from mailing more than thirty days following the close of the nominating period at which nominations had been made, with the result that incumbent officers, candidates for re-election, were enabled to use the results of the affiliation resolution referendum as an adjunct to their own campaigns for re-election.

(vi) Contrary to the provisions of Art. V, Section 3(f) of the IOMMP Constitution, the International Ballot Committee and the balloting agency failed and refused to count several hundred ballots that were properly cast and received for either or both of the following reasons: (a) the ballots, though mailed to the bank within the 90-day voting period, were received at the bank after the close of that period and/or (b) the ballots though properly mailed to the bank within the 90-day period were not postmarked on their outer envelopes.

(vii) Contrary to the provisions of the IOMMP Constitution and Offshore Division By-Laws which provide that the election be conducted, as regards former local union offices, in accordance with the by-laws of the former local unions, the rights of members of the former local unions were abridged as follows:

(a) the authority of the local memberships and of the local ballot committees over the election of local officers as provided for by such local by-laws, was usurped by the International Ballot Committee and as a result neither the local memberships nor the local ballot committees were given any role or participation in the election's conduct;

(b) candidates for offices in the New York Branch of the Offshore Division were denied copies of the membership list of the Branch, despite their requests for the same in accordance with that provision of the by-laws of the [illegible] Local 33 which guarantees to any bona fide candidate who requests the same, a copy of such [illegible]

(c) contrary to the established election rules of the former Local 88 andof the Local 88 Ballot Committee, no signature check of signatures on the outer ballot envelope was made nor enabled to be made.

(viii) The International Ballot Committee was not in fact impartial or representative of the membership but was partisan in favor of the incumbent candidates for re-election and was selected in such fashion as to make such partisanship inevitable.

(ix) Acting in a manner and for purposes partisan to the incumbent officials, the International Ballot Committee reversed its former position in regard to the counting of non-postmarked ballots after a count of postmarked ballots revealed a slight lead on the part of incumbent officers of the New York Branch and in particular on the part of the New York Port Agent and Vice-President-Atlantic of the Offshore Division; by such reversal of its former position, theInternational Ballot Committee ruled that non-postmarked ballots should not be counted thereby ensuring the re-election of such incumbent officers.

(x) Candidates for office in ports outside New York and candidates for International Office resident outside New York were denied a reasonable opportunity to examine membership and voters' lists and were denied the right to examine lists of their own local members, all by reason of discriminatory rules adopted by the International Ballot Committee that required them to come to New York City to examine any membership list and which further required them to mail any literature out through New York City rather than through local mailing agencies.

(xi) The official election notices and the ballot itself falsely advised members: (a) that mailings to be sent out in port elections would be sent through local mailing agencies when in factall such mailings were required to be sent from New York City; and (b) that in order to be counted all ballots must be received no later than December 21, 1971, the 90th day of the election period, when in fact the [illegible] Constitution provides that all ballots mailed during the 90day period should be counted regardless of when they are received.

(xii) No election was held for the office of Field Representative, Puerto Rico, despite the requirements of the Offshore Division Bylaws, Art. III, Section 1(c).

(xiii) No election was held for the offices of Assistant Executive Officer, Executive Officer and/or Financial Officer of the Offshore Division.

(xiv) Members of Locals 4, 2- and 15 were denied their right to vote in the election of Vice President-Gulf of the Offshore Divisi

(xv) Members of Locals 5, 11 and 14 were denied their rights to vote in the election of Vice-President-Atlantic of the Offshore Division.

(xvi) Candidates running as opponents of the incumbent officials were denied discriminatorily the right to inspect and use up-to-date lists of MM&P contract vessels.

(xvii) There were no adequate safeguards to ensure a fair election; in particular:

(a) no signature check ofsignatures on the outer envelopes;

(b) the ballots were sent out to many persons ineligible to vote and, especially as regards ballots received from the Inland locals, the dues standing of votes was not adequatel checked to determine eligibility to vote despite provisions of the IOMM&P Constitution providing therefor;

(b) the ballots were not watermakred or otherwise identified in order to prevent the casting of fraudulent or improper ballots;

(d) no list of members and their dues status was made available to observers to enable them to determine the eligibility of voters to vote;

(e) the agency conducting the election never obtains for use in checking the signatures on the outer envelopes the membership and transfer applications maintained by the union and its welfare and pension plans;

(f) no check of the eligibility to vote of the persons named on the voters' list was made; and

(g) no list of persons from whom ballots were received was maintained and/or made available for inspection by candidates or observers and the numbers of ballots printed, the number of ballots left over, the number mailed out, the number received, etc., were not made availabele to candidates or observers.

(xviii) Approximately 631 ballots received by the bank have been neither counted nor accounted for; the ballots here referred to are those included in the total of 6347 received by the bank and not included in the total of 5716 accounted for in the balloting agency's certification of the election results.

EXHIBIT H

(xix) Votes were unaccountably added to the totals attributed to the incumbent officials in the final certification of the election results, over and above those actually tabulated at the vote counts.

The instant appeal is sent to you, on behalf of each of the persons named at the beginning of this letter, in a good faith attempt to exhaust all reasonable remedies available within IOMMAP and its Offshore Division. If any procedural errors are or have been committed in connection with the submission of this appeal, or if any other or different appeal remedy is available within the IOMMAP or its Offshore Division, please promptly advise the undersigned.

Very truly yours,

EXHIBIT H

INTERNATIONAL ORGANIZATION [illegible]
AFFILIATED WITH AFL-CIO AND CANADIAN LABOR CONGRESS
INTERNATIONAL TRANSPORTWORKERS FEDERATION
[illegible]

THOMAS F. O'CALLAGHAN
INTERNATIONAL PRESIDENT

ROBERT J. LOWEN
SECRETARY-TREASURER

WILLIAM M. CALDWELL
VICE PRESIDENT

[illegible] BROADWAY
NEW YORK, N.Y. [illegible]
WHITEHALL 4-[illegible]

CECIL BRIDGEWICK

CERTIFIED MAIL

Burton M. Hall, Esq.
401 Broadway
New York, New York 1[illegible]

Dear Sir:

In response to your letter of January 5th, following are excerpts from the minutes of the IOM&P General Executive Board meeting of January 25 and [illegible] 1972, held in San Diego, California:

(January 25)
"Item #3 - Appeals - Hold this item in abeyance pending arrival in San Diego of International Counsel Marvin Schwartz."

(January 26 - morning session)
"Item #3 - Appeals - International Counsel Marvin Schwartz reported to International Ballot Committee Minutes, including the knowledge of the challenges. He also read the different letters of challenge submitted on behalf of various defeated candidates. The minutes were discussed, and the challenge letters were discussed by the General Executive Board and International Counsel.

The author of one of the challenge letters indicated his desire to appear personally but he was not present. The General Executive Board instructed International Counsel to contact Mr. Ofelt and advise him that the Board was waiting for him. The Board agreed to withhold decision on the appeals."

(January 26 - afternoon session)
"Item #3 - Appeals - International Counsel reported that, during his telephonic conversation with Jack Ofelt on this date, Bro. Ofelt stated that he had originally planned to attend the General Executive Board meeting in San Diego, but because of time and weather, decided to convey his appeal to the Board through Counsel Schwartz. Mr. Ofelt repeated his points of challenge listed in his January 20th letter to Counsel Schwartz who, in turn, answered and explained the reasoning behind the action taken by the International Ballot Committee in each of the points challenged. Mr. Ofelt also informed Counsel Schwartz that he was planning a visit with Rolla Johnson of Local 47 to help him challenge the election.

EXHIBIT I

After careful consideration of all the challenges and the various documents, it was moved, seconded and carried that the appeals be denied."

Very truly yours,

Captain Robert J. Lowen
International Secretary-Treasurer

RJL:vw

cc: Marvin Schwartz, Esq.

EXHIBIT I

BURTON H. HALL
ATTORNEY AND COUNSELLOR AT LAW
401 BROADWAY
NEW YORK, N. Y. 10013
431-0114

March 29, 1972

James D. Hodgson, U.S. Secretary of Labor
Labor-Management Services Administration
U.S. Department of Labor
233 West 49th Street
New York, N.Y,

Dear Sir:

On behalf of Lloyd Sheldon, Amos Koonce, Charles Norstrand, Charles Hemming, Lawrence Burlingame, Henry [illegible], John Seybert, Victor Soto, John Moralis, Ashley Gordon, [illegible] Ofelt, George Vance, Nicholas LaRocca, Cornelius Doyle, [illegible] Anderson and Robert McAlvannah, I renew and resubmit the [illegible] appeals previously submitted by me and, in some cases by [illegible]. The bases of these appeals, as indicated in the appeal letters previously submitted by me, are those set forth in the letter from me, on their behalf, to the General Executive Board of the IOIMM&P dated January 19, 1972. In addition, Mr. Burlingame has submitted an additional appeal which has ~~was~~ been withdrawn by me; I request that his original letter be re-filed and the same is hereby re-submitted by me on his behalf, by reference.

These appeals are submitted as regards the IOIMM&P International election and the elections of the various Branches or locals there identified.

On or about March 2, 1972, I received, under postmark of February 29, 1972, a letter from the IOIMM&P International Secretary-Treasurer notifying me that all challenges and appeals from the various elections were denied. We have therefore exhausted all remedies.

Very truly yours,

Burton H. Hall

EXHIBIT J

96th Convention Inc[illegible]
on the Resolution of Affiliation
of the IOMM&P with the ILA

Published by

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS
39 BROADWAY, NEW YORK, NEW YORK 10006

AFFILIATED WITH AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS
INTERNATIONAL TRANSPORTWORKERS FEDERATION RAILWAY LABOR EXECUTIVES' ASSOCIATION

FOUNDED 1860

THOMAS F. O'CALLAGHAN
International President

ROBERT J. LOWEN
Secretary-Treasurer

WILLIAM [illegible]
Vice Pres

RESOLUTION

To amend the International Constitution by adding the following as Article XIV, AFFILIATION OF THE INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS WITH THE INTERNATIONAL LONGSHOREMEN'S ASSOCIATION.

The International Organization of Masters, Mates and Pilots shall become affiliated with the International Longshoremen's Association as the "International Organization of Masters, Mates and Pilots, the International Marine Division of the International Longshoremen's Association," and this affiliation shall be in accordance with the following principles and safeguards:

1. The International Marine Division shall be autonomous and have its own officers, subdivisions, and self-government.

2. The President of the International Organization of Masters, Mates and Pilots shall be the representative of the International Marine Division on the International Longshoremen's Association Executive Council.

3. The International Marine Division will also be represented on the Executive Boards of the three existing geographical Districts: the Atlantic Coast District, the South Atlantic and Gulf Coast District and the Great Lakes District. If the ILA establishes a Pacific Coast District, the IOMM&P will also have the right to be represented on the governing Board of that District.

4. Any maritime union, inland or offshore, which hereafter affiliates with the ILA shall become part of the International Marine Division.

5. The International Longshoremen's Association shall pay per capita tax on IOMM&P members to the AFL-CIO and this per capita tax shall be itemized separately as being made for members of the International Organization of Masters, Mates and Pilots. The IOMM&P shall pay per capita tax to the ILA.

6. At any time prior to October 1, 1975, either Organization, for any reason, may cancel the affiliation by written notice to the other, and the AFL-CIO charter and jurisdiction of the IOMM&P shall remain with the IOMM&P.

In the event of any such cancellation, the IOMM&P shall continue to retain all of its books, records, contracts, securities, funds, property, assets, collective bargaining agreement(s) and pension, welfare, vacation and holiday plan(s) rights, books, records, funds, property and assets of any description which may be [illegible]

In the event there has been any transfer of members or organic merger of locals during the period that the IOMM&P has been a part of ILA, then, upon such cancellation, such transfer of members or organic merger of Locals shall be rescinded and the parties restored insofar as possible to their status quo immediately prior to July 1, 1971.

EXHIBIT K

HON. EDWARD A. GARMATZ
CHAIRMAN, HOUSE MERCHANT MARINE AND FISHERIES COMMITTEE

"This AFFILIATION represents an important first step in achieving trade union solidarity, in both principle and in action, and I commend this historic AFFILIATION of the two great unions. I think it's significant that this AFFILIATION brings together the Masters, Mates and Pilots, the oldest and the largest licensed officer labor organization in the nation, and the ILA, which is the largest union of longshoremen in the world.

Even though the American maritime industry has been given a new lease on life with the enactment of the Merchant Marine Act of 1970, this industry must still face fierce foreign competition, and it must have stability if it is to survive.

A new spirit of cooperation and solidarity is certainly essential to the stability of the American merchant marine industry. The very lives, the careers, the security, the welfare of maritime labor, is dependent upon such stability.

I commend the foresight and the courage of my two long-standing friends, Tommy O'Callaghan and Teddy Gleason, President of the ILA. It takes courage to make a major step such as this AFFILIATION. And their action renews my conviction that they are both dynamic leaders.

I think the maritime industry of the future will require such leadership. It will need more men like these two, men who have the forceful determination to break precedent, to hurdle obstacles, and to blaze fresh, forward-moving trails. It will require men who possess a firmness of character and will make a short-term sacrifice to achieve the long-range welfare of the total industry, as well as the interest of the entire labor union movement.

In the past, there has been much talk about the need for unity in the maritime field. There have been many warnings that a new era of stability is essential if this industry is to survive. But each of you here today can be proud that while others talked, your union and the leadership made it happen. They did what had to be done, and they did it right now.

I hope that this example will lead the way to a complete maritime unity. Hopefully, as a result of this merger, management will understand and respond with renewed hope, rather than with distrust and fear.

The Government and the Congress should also find new confidence and a stronger will to fulfill the objectives of the Merchant Marine Act of 1970. And, finally, the entire nation and the American economy will be the ultimate beneficiary."

EXCERPTS FROM ADDRESS AND STATEMENTS MADE BY INTERNATIONAL ILA PRESIDENT TEDDY GLEASON—
(President Gleason is Also Vice-President of the AFL-CIO Executive Council.)

AFFILIATION means whatever fighting the [illegible] M&P needs to protect your union, the ILA will [illegible] gether with you; and have the right to [illegible] to protect your union from anyone, at any [illegible] place you call on us. The ILA will be on your [illegible] against anyone who tries to take over your [illegible] are going to support you all the way down the [illegible] come hell or high water, to maintain your [illegible] on board ship, to make sure that every one plays [illegible] to the Masters, Mates, and Pilots authority, [illegible] command . . . We'll back your jurisdiction [illegible] the way . . . No ILA officers will ever tell you [illegible] do, how to do it, or when. We will never do that [illegible] are not that kind of people or that kind of unions.

Anyone who knows us knows we have never crossed a line or jurisdiction, and we don't ever intend to. Like Cap (Captain O'Callaghan says) *AFFILIATION is going to make an end of waterfront cannibalism once and for all.*

Let's be clear about this . . . our affiliation is not a marriage . . . a marriage of convenience and necessity . . . WE NEED IT . . . YOU NEED IT . . . WE NEED YOU . . . YOU NEED US! For mutual protection . . . for common goals . . . for the good of both and of all the industry.

I'm here to tell you the ILA is for Stability in the industry and within Maritime Labor [illegible] time Labor Stability means this: no union [illegible] the other union up. I know (and I have the [illegible] who passes around the trumped up propaganda [illegible] the ILA is going to "swallow-up" the IOMM&P [illegible] that the ILA is going to "take-over" the [illegible] IOMM&P, and take on the jobs of the Masters, Mates and Pilots . . . *We are the one union that can't* [illegible] and couldn't ever want to do that. This sick propaganda comes from imbeciles! No person in his right mind will believe it.

AFFILIATED to the ILA, you can't [illegible] ever be "swallowed up." You cannot [illegible] your own autonomy guaranteed, your [illegible] officers, your rules, your rights, your Constitution, Laws intact. No one can say you, the IOMM&P, have three mates today, four mates tomorrow, one mate and seven engineers the next day! That's the difference with the ILA and the MEBA, or anyone else.

EXHIBIT K

When they (referring to IOMM&P "opposition" leaflets in his possession) bring up such questions as racism in connection with the AFFILIATION it turns my stomach . . . and when I see a man who was once head of the IOMM&P for years hooking up with this propaganda . . for personal gain, and nothing else; this from a man who has been around this industry and labor for more than 15 years . . . doing this for the sake of job . . . it makes me sick again.

I believe in a guy fighting like hell within his union, within his union. I believe in labor democracy, union democracy. But *I don't believe in anybody taking money from somebody else to put out propaganda trash like this stuff.*

We have copies of the paid bills, paid from outside sources, for printing of the anti-IOMM&P-ILA propaganda. We know where this trash was printed, who paid and when. And I tell you, if anyone in the IOMM&P [illegible] this material [illegible] look outside money to print this material trying to bring about disruption within your own organization, then it's wrong, very wrong.

I think you all know me. If anyone wants to get up and say his piece, I admire him for doing that. But I don't think anyone, including me, should *go outside of our ranks to hurt our own organization. No union man should do it*, no one else in *other organizations should go outside of his ranks.* He should fight like hell within his own ranks to make the changes he wants.

Why the hell shouldn't Maritime Labor be together? When we get ourselves together into one Division, we might say take a trip offshore for yourself, and leave us stay inshore. Somebody has got to stop this inter-union in-fighting, or otherwise Maritime unions are going to emasculate each other, and you know it, better than anybody else, and you know I'm not joking or kidding and I'm not up here to lie about this or anything else.

Together we'll take a stand, because we'll be the only ones that will be able to take a stand when the other new ships come out. I said 30 men crews. But, they are down to 22 men now. And you know this. I don't have to lie to you about this. You know this yourself.

But if we are all together, you wouldn't have any trouble getting *30 men.* You wouldn't have any trouble maintaining five or six mates on those new ships. You wouldn't have a bit of trouble. These other guys are going in now and wanting to make deals for three mates. Some are already making deals for three mates. And this is what you can look for in the future, unless we get ourselves together.

IOMMP - ILA
PAST, PRESENT, FUTURE

The ILA remembers that it was the IOMM&P, and only our union, which stood up for them, and I stood up with them when the AFL-CIO voted them out. We voted and spoke for the ILA remaining in the parent body. They don't forget the back-up we gave them in the Central Gulf, New Orleans; or other demonstrations of trade union cooperation on the record. What do we in the IOMMP remember? . . . The ILA gave their word and kept it. Against tough and tough threat and action; physical, political, personal.

Teddy Gleason said the ILA would go down the line with the MM&P on the Prudential-Grace beef. Teddy Gleason and Johnny Bowers and the ILA honored that pledge in action. Both of these trade union leaders personally took over direct responsibility for their pledge. In Mobile, New Orleans, Baltimore, New York, Jacksonville, the ILA brothers stood by us, and for [illegible] the ILA [illegible] stood by us, and on the docks. NO ONE ELSE DID.

In the AFL-CIO Maritime Committee no one dared challenge up Teddy Gleason when he spoke officially for the ILA and said "I BELIEVE ONLY THE MASTER SHOULD CALL THE SHOTS ON THE SHIP, REGARDLESS OF ANYTHING, OR ANYONE."

Over the years Teddy has proven his belief in the principle of the unchallenged primacy of the Master, the absolute authority of the Masters' command post. He stepped on some very sore toes, and bonked some very soreheads on that score, but he has never backed-down. You can lay odds he won't ever.

There's much deception and self-deception about the irrevocable, non-negotiable common principle agreed upon between the ILA and IOMM&P—*The Master's primacy, his status and privileges, responsibilities, and authority and jurisdiction of the Licensed Deck Officer.*

The record shows there is, and continues to be, sniping, needling, groin-kicking, back stabbing [illegible] kind of trick and shafting directed toward BLOCK-LETTING THE authority OF the Master, WEAKENING HIS TRADITIONAL COMMAND status, PUSHING HIM OVERBOARD off the command post. That's something we'll fight all the way, against anybody, any combination.

Anyone with any idea that the United ranks of ILA-IOMM&P can be dented or shunted away from their mutual dedication to the Masters' command, and Licensed Deck Officer status, have got to be really haywire and volunteers for a snakepit.

AFFILIATION is the cement that will fortify the base of the structure we are building with Masters' Primacy built-in with a will of steel to guard that status against any and all encroachments.

EXHIBIT K

IOMM&P AFFILIATION REFERENDUM ANNOUNCED 6 MONTHS AGO!

In statements to the Miami Press, Radio and Television, with Officials of ILA attending, and subsequently in an interview published March 29, 1971 and reprinted in Maritime Trade Press, with Richard Basoco, Maritime editor of the Baltimore Sun; International President Thomas O'Callaghan put on the record publicly that the ultimate decision on affiliation would be made by IOMM&P membership [illegible] executive elected bodies of both ILA and IOMM&P had discussed conditions concerning affiliation and had voted to refer favorably to membership, and after the official stamp of approval was given by the AFL-CIO Executive Council as consistent with charter affiliation provisions of AFL-CIO constitution. Each step in the process being duly observed and voted favorably upon, the 60th Constitutional Convention approved the AFFILIATION resolution brought to the Convention floor by unanimous affirmative recommendation of the Convention Constitutional Committee.

THE SUN

MARITIME

By RICHARD BASOCO
Maritime Editor of The Sun

Last week the Masters, Mates and Pilots and the ILA announced jointly that the deck officers had applied for affiliation with the longshore union and that the executive board of the dockworkers had voted to accept that application.

Confident Of Outcome

In an interview after the announcement last week, Capt. Thomas F. O'Callaghan, president of the mates union, said he intended to put the question to referendum in any case because he was confident of the outcome and wanted the public to know the membership "is 1,000 per cent behind this."

AFFILIATION FACT

The basic Constitution and By-Laws won't be changed by AFFILIATION, and can't be changed except under specific provisions of our OWN Constitution and By-Laws of October 1, 1970. All democratic rights continue in force. The ILA will not have authority to make decisions for us. They don't want to make decisions for us and we don't want to make decisions for them. We both remain independent trade unions and shall respect each others' trade union independence.

STEP BY STEP TOWARD AFFILIATION RESOLUTION REFERENDUM

The AFFILIATION Resolution was adopted by the 60th Convention of the IOMM&P meeting in Convention, July 26-30.

On a roll call vote on RESOLUTION titled "AFFILIATION OF THE INTERNATIONAL ORGANIZATION OF MASTERS, MATES & PILOTS WITH THE INTERNATIONAL LONGSHOREMEN'S ASSOCIATION" Convention delegates (with one solitary exception) all voted FOR AFFILIATION. The Constitution Committee had voted unanimously to recommend the Resolution favorably to the Convention.

Convention roll call vote was—33 delegates For, 1 delegate Against.

SUMMARY OF STEPS LEADING TO CONVENTION OVERWHELMING APPROVAL OF AFFILIATION . . .

The IOMM&P and the ILA have a long, and unbroken record of supporting each other. Discussions of forms of formal association have been going on for several years. Rank and File members of both unions have cooperated and backed up each other whenever there was need for Trade Union solidarity. The leadership of the IOMM&P and ILA trust and respect each other and trust each other's jurisdiction. Both unions are real trade unions in the true sense.

During the Prudential-Grace crisis last year the IOMM&P and the ILA faced together a conspiratorial assault against the independence, integrity, and jurisdiction of each union which threatened their existence and future.

Waterfront cannibalism, in its ugliest [illegible] rampant. Collective bargaining was [illegible] Union principles were violated.

Union-busting collusion between [illegible] certain Maritime Union leaders involving [illegible] finking, exploded on the waterfront during the [illegible] of IOMM&P—Prudential LASH [illegible] These attacks were savagely aimed at the jugular of the IOMM&P; deliberately planned for the destruction of the PRIMACY OF THE MASTER, to cripple and splinter the status and jurisdiction of the Licensed Deck Officers, and castrate the IOMM&P.

Every trick and deceit was used to [illegible] the rightful authority, and command position of the Captain and the Licensed Deck Officer [illegible] numbers, as well as status.

Simultaneously, the ILA had to wage [illegible] these same subversives who were [illegible] ILA jurisdiction and work rules. ILA [illegible]

confronted a common double-barreled union busting offensive.

A clear and imminent danger faced us together.

IOMM&P and ILA union leadership sped up talks of formal association to the decision-making stage. We determined to act in self-defense; to protect our members' security, jobs, jurisdiction, and in fact the life of the unions . . .

Discussions of the need to act on AFFILIATION were comprehensive and included participation of Port Officers, Executives, and duly constituted bodies of both unions . . .

The step-by-step voting process is summarized below . . .

1.) Atlantic Coast Executive (ILA), General Executive Board (ILA)—unanimous.
2.) Poll of Port Officers (IOMM&P)—unanimous.
3.) General Executive Board (IOMM&P)—unanimous.
4.) AFL-CIO Executive Council approval.
5.) 60th Constitutional Committee—unanimous.
6.) Convention approval.
7.) Referendum ballot now taking place.

We submit to the IOMM&P membership the record, the facts and the acts. Step-by-step, strictly observing each required constitutional process, the IOMM&P (and the ILA) cleared the way for the ultimate decision to take place; the mandate by the full membership by secret referendum ballot.

Of significance and concern to the membership is the fact that on the record one, *and one vote only,** has been registered against AFFILIATION, and that vote came at the 60th Convention of the IOMM&P.

* *The one solitary convention delegate who voted against affiliation HAS BEEN RETIRED FROM THE INDUSTRY FOR THREE YEARS. He has been collecting better than nine hundred dollars ($900.00) per month in pension payments from the IOMM&P for the three year period.*

WITH REASON—OR WITHOUT

In the event the IOMM&P believes it to be in the best interests of the membership to terminate affiliation as the Marine Division of the ILA for any reason, *or for no given reason*, an official letter of disaffiliation cancels the affiliation forthwith. There are no strings, there is no ambiguity; the stipulation is positive, clear, and straightforward. Explicit and definite.

Until 1975 this direct, unqualified option maintains in force for both IOMM&P and ILA.

After 1975 both the ILA, and the IOMM&P, Marine Division of the ILA will together and separately determine stipulations governing relationship of the two unions, by proper constitutional action based on trade union principles.

EXCERPTS FROM ADDRESS OF JOHN BOWERS—EXECUTIVE VICE-PRESIDENT, ILA, AT THE 60TH IOMM&P CONVENTION

113a

It does seem very strange to me, that these same people who are fighting against our affiliation are the very people who tried to grab your jobs a few years ago on the PRUDENTIAL-GRACE. They're very happy to see the IOMM&P and ILA get together . . . They're after your field. The others (you all know who) are after the same thing from top to bottom. But together we are going to stop them.

They are going after every damn thing, on roll-on/roll-off ships, like they tried with PRUDENTIAL-GRACE. All those longshore hours they worked! They pulled the ship into Norfolk, and into a non-union shipyard. They finked and they took our work. They unloaded those barges. So, they are so damned concerned with us not getting together. The reason is they know, together, we have strength, and together we are going to come out on top . . . I trust O'Callaghan, and if O'Callaghan wasn't the top man here I'd think twice before saying I want the affiliation to go through with the Masters, Mates and Pilots.

O'Callaghan I trust. I also have many more good, trusted friends in the Masters, Mates and Pilots. I'm hoping you become affiliated as the Marine Division of the ILA, so we'll be united in one great organization.—I'm happy for us both.

AFL-CIO ETHICS COMMITTEE

Legal steps will be taken, through the AFL-CIO Ethics Committee (and probably [illegible] District Attorney involvement) on [illegible] ing evidence in possession of the [illegible] office which confirms an understanding [illegible]

specific Officials of another union and extremist disrupters within the IOMM&P; an alliance which includes direct subsidy of these leaflets carrying distortion and fraud . . . the objective of this propaganda is to produce a cancer within the IOMM&P—to pressure the IOMM&P into a NMEBA engineered swallow-up aimed at the destruction of the Masters' authority, rights, responsibilities, and unchallenged primacy, a gangland hi-jack of our jobs, security, and status. The Calhoun solicitation for NMEBA-IOMM&P merger is an invitation to suicide to which the IOMM&P replies, thanks, but no thanks.

EXHIBIT K

BEST COPY AVAILABLE

A VOICE OF THE C[illegible]SPER, AND INSIDE MOUTHPIECES

The IOMM&P members have a right to know that although only one solitary recorded vote against AFFILIATION was recorded at the 60th Convention, other voices and other opponents of AFFILIATION have been heard from. IOMM&P unionists have a right to know sources of opposition viewpoints, and can compare the original outside opposition brain-trusts' words with their spokesmen inside the IOMM&P.

Published in June of this year in AMERICAN LABOR, June 9, 1971 (but quoted from a May 1971 interview), are the responses of Jesse Calhoun to *American Labor's* questions on the discussions of AFFILIATION. Mr. Calhoun's words speak for themselves . . . (an example of the wish being father to the thought).

"The affiliation is not going to stabilize anything at all, if anything, it will fractionalize the industry more than before. AFFILIATION must be recognized as ill-conceived, illogical, and deleterious to all concerned. I am unalterably opposed to AFFILIATION.

I call on all of the appropriate agencies and departments of the AFL-CIO to join us (NMEBA) in opposition.

The personal intransigence and rule or ruin philosophy of certain IOMM&P International Officers is well-known in maritime circles . . . ORDINARILY THE MEBA WOULD HOPE THAT THE IOMM&P MEMBERSHIP WOULD CURE SUCH ILLS THROUGH THE OPERATION OF ITS *INTERNAL ELECTIONS*. BUT WHEN THE EMPLOYMENT, SECURITY, LIVELIHOOD AND BENEFITS OF THE ENTIRE MARITIME COMMUNITY ARE THREATENED, *IT IS INCUMBENT UPON US TO SPEAK OUT.*"

There is not the slightest doubt that Mr. Calhoun is keeping his word, he is speaking out—speaking out in leaflets, pamphlets, and subversion—through his flunkies, character assassins, racists, and finks who pollute the waterfront with propaganda against the leadership of the IOMM&P, and the ILA, with mindless, poison-pen, libelous anti-labor trash. They are speaking out in his words, parroting his exact phrases and ideas. Groups, and cliques who spread the garbage suck the curdled milk from the mother wolf who inspires the wolf-pack.

PRESIDENT O'CALLAGHAN [illegible] A CONVENTION DELEGATE

"You can pick up all types of scurrilous [illegible] against the Masters, Mates and Pilots and [illegible]

Here, in the South, there are [illegible] pictures of me and Bill Hale and Dave Alston. Dave Alston and Bill Hale are black leaders of the longshoremen in the Ports of Baltimore and Norfolk. They have long been my friends, and I'm honored and proud to have them as my friends, and I'm happy to have my picture with theirs any time. They are real people, these two outstanding trade unionists. They have helped me out and helped out the Masters, Mates and Pilots any number of times. This literature that [illegible] distributed in the Gulf are deliberately [illegible] to fan race prejudice and bigotry. This stuff says the IOMM&P is going to be taken over by the ILA Negroes.

Up on the Lakes, where the mates up there are not too well acquainted with the offshore unions, and especially the longshoremen union, they are putting out *this* fraud. I'm pictured with Harry Bridges, President of the ILWU. This printed garbage says O'Callaghan is going to tie-up with Bridges forcing the IOMM&P into the West Coast Longshoremen. Bridges is going to be the IOMM&P dictator now.

The mates on the Lakes ask me why the hell am I selling them out to Bridges? They don't know that Teddy Gleason, not Bridges, is the President of the ILA. This propaganda is vicious red baiting.

Out on the West Coast, there's a committee, the MEBA put it together, called the West Coast Grievance Committee. The dispatcher of the MEBA down in Long Beach, is the West Coast Grievance Committee of the Masters, Mates and Pilots, and he prints slander and libel against the ILA.

On the Atlantic Coast, there is real horror stuff. Me in cartoon drawings with a Baltimore IOMM&P port official. We both have long hooked noses, sneaky eyes, the kind of anti-semitic scum that the Nazi's printed.

These are the insane lengths—there is no limit to it. The lunatic fringe are working all angles, racism, red herrings, bigotry, slander. That's the kind of thing and the people that we are dealing with."

MEBA MAJORITY FOR UNITY, AGAINST DISRUPTION

The majority of MEBA unionists share with the Licensed Deck Officer unionist much in common as trade unionists, and skilled professional officers. The time is shortening when there will indeed be a powerful, firm, secure Maritime Officers Union—an integral part of the Marine Division of the ILA, with jurisdictional lines, and mutual respect for each others' status legitimately agreed upon. That's a certainty . . . We know that the great majority of MEBA members are angered, and revolted by the undercover operations of a few of their leaders who instead of working for labor fraternity, are hell-bent to divide and destroy [illegible] labor . . .

Corruption will expose itself . . . the Truth will out.

BEST COPY AVAILABLE

EXHIBIT K

The notarized Statement below is one of many of similar documents now in possession of the International Office revealing the shocking, criminally directed attempts of officials of the MEBA directly engaged in disruption and intimidation against the IOMM&P and the ILA.

Already in early May 1971, before duly constituted bodies of the IOMM&P and the ILA had the opportunity to discuss and vote on the issue, certain MEBA officers had begun their vicious attacks.

STATEMENT OF FACTS CONCERNING A MEETING WITH MEBA OFFICIALS

In the early part of April, 1971, I was approached (on the floor of the Wilmington MM&P hall) by Jim Ramirez, MEBA Patrolman and former shipmate, to see the MEBA Wilmington Port Agent, C. Dodson. The purpose of this meeting was to show me how the MEBA could guarantee my election as an official of the IOMM&P. It was explained to me that the MEBA is very well versed in this and would set up my entire campaign, make the right connections, distribute the literature, and finance the campaign.

After two such casual discussions with Ramirez, I subsequently met with Ramirez and Dodson in Dodson's office on the morning of April 26, 1971. At this meeting Dodson did virtually all the talking. His primary concern was the "merger" (his words) of the IOMM&P and the ILA. He stated that any such merger would eventually cause a "bloodbath" on the waterfront. The alignment of forces would be all sea-going unions opposing the IOMM&P-ILA. He further stated that all incumbents in the IOMM&P had to be in on the "sell-out" to the membership, and that any candidates who supported or aligned themselves with the incumbents would be opposed by the MEBA. He stated "WE INTEND TO INTERFERE DIRECTLY IN THE IOMM&P ELECTIONS" and that this interference would be in the form of anti-ILA literature and full support of cooperating candidates. He also implied that it would be very lonely for the IOMM&P members on the West Coast without ILA support and opposed by all other sea-going unions and the ILWU.

When asked what MEBA's real interest in the matter was, he stated that the eventual results should be a merger of MEBA, ARA AND IOMM&P. He was also very concerned about how the IOMM&P was going to pay the officials such "huge" salaries; after all wasn't this an example of the "sell-out" by going bankrupt and subsequently floating a loan from the ILA, thereby forever indebting the Organization to Teddy Gleason. He was, however, unconcerned with the financial problems of the MEBA since its affiliation with DMU or the influence of [illegible] Hoffman in the MEBA now that Lee Preisman is not on the scene.

The remainder of the meeting was basically a reiteration of the above ideas. However, at the conclusion Dodson offered once again to give "all support possible" to me, should I decide to go along with the idea, and that his meeting must be kept a secret with no mention that it ever existed. I was then ushered out the side door after Ramirez checked to see if anyone was around.

Under the penalty of perjury I certify the above statement to be true.

John Waring
Offshore Division Member

Subscribed and sworn to before me, a Notary Public in and for the County of Los Angeles, State of California this 3rd day of August, 1971.

OFFICIAL SEAL
CECILE MCCHEE
NOTARY PUBLIC-CALIFORNIA
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY
My Commission Expires [illegible]

EXHIBIT K

THE MM&P PLANS

There *are* questions the membership must have answers to in order to vote on the *merits* of AFFILIATION . . .

Included in the perjured and perverted propaganda, verbal and written, is the lie that the MM&P Pension Plan, and the other MM&P Plans will be "taken over" by the ILA, dependent on ILA control; as a result of AFFILIATION.

Perpetrators of this big lie know its a lie. They know there is no *possibility* of a "takeover," no chance of IOMM&P Pension and other plans being "swallowed-up" into ILA Funds. They know our Funds are now, and will lawfully and constitutionally, continue to be [illegible]

Our IOMM&P Funds are financed by contracted shippers; they now have and will continue to have, after AFFILIATION, their own separate assets, investments, procedures, and policies.

The Funds and Plans are solely and exclusively of, by, and for, the IOMM&P members; and no one else, and will remain so.

The Board of Trustees made up of IOMM&P members and representatives of contracted ship operators serve only as appointed by the Union, and shippers; as duly prescribed in rules and regulations. Federal, and IRS laws prohibit any "takeover," "swallowing-up" or "submerging" any of the rights, privileges, or assets. Lawfully and constitutionally, the exclusive right of each and every IOMM&P member; remains unaltered, and inviolate. The liars know this full well. But the sick minds of the perverted propagandists stop at no limit to deceive. The fact is that the IOMM&P will be a great deal stronger and more forceful in coming negotiations, precisely because of AFFILIATION, to further secure, and implement, the benefits we now command.

President Gleason castigated the liars as "imbeciles," and added that only imbeciles would swallow such phoney and obvious slander. The IOMM&P membership are not imbecillic. They know both the source of the lie, and the aim of the liars.

UNION DEMOCRACY WORKS THROUGH REPRESENTATION AND PARTICIPATION

Elected officials have a serious responsibility in serving the membership which elects them to office. They are elected to represent and speak for their constituents. That is the basis for representative union democracy. Each elected official has the obligation and responsibility to examine, judge, and either approve or reject issues on their merits. When crucial issues which require ultimate decision by membership referendum are on the table, it's proper and necessary that the step-by-step process representative of union democracy, be strictly observed. This principle has been carried out in spirit and to the letter. After full participation and prolonged and continuous discussion by the IOMM&P full [illegible] Vice-Presidents, Division Officials and International officers have voted on AFFILIATION. Now the membership will exercise its deciding democratic right to vote on the AFFILIATION resolution.

The series of official meetings listed were supplemented over a five month period by IOMM&P West Coast, Atlantic Coast, Gulf Coast conferences held (and participated in) by the International President and Vice-Presidents Caler, Jones, Durkin, Sprada, in regional districts. International Executive Vice-President Caldwell, International Secretary-Treasurer [illegible] were in continual communication with President O'Callaghan and directly involved in the affiliation processes.

Atlantic Coast Vice-President Caler joined President O'Callaghan at the Miami sessions of the ILA Atlantic Coast Executive Committee, and General Executive Sessions of the ILA, participating in conferences with ILA officers preceding the unanimous vote of both ILA bodies in favor of affiliation. Pilot Vice-President Sprada received comprehensive briefing and participated in continuing talks with President O'Callaghan.

In the process of submitting the vote on AFFILIATION to membership referendum, the most meticulous consideration has been given to full, complete, democratic trade union principles.

The elected representatives of the IOMM&P have gone on record overwhelmingly favoring AFFILIATION.

EXHIBIT K

INTERNATIONAL ORGANIZATION OF MASTERS, MATES & PILOTS
AFFILIATED WITH AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS
INTERNATIONAL TRANSPORTWORKERS FEDERATION — RAILWAY LABOR EXECUTIVES' ASSOCIATION
FOUNDED 1880

117a

THOMAS F. O'CALLAGHAN
INTERNATIONAL PRESIDENT

ROBERT J. LOWEN
SECRETARY-TREASURER

WILLIAM M. CALDWELL
VICE PRESIDENT

50 BROADWAY
NEW YORK, N. Y. 10004
WHITEHALL 4-0000

Cable: BRIDGEDECK

All Constitutional Amendments and Resolutions of the 30th Convention Ratified

Affiliation of IOMM&P with the International Marine Division of the ILA (AFL-CIO) Approved

---

FOR YOUR INFORMATION

Voting results reported here were provided by the American Arbitration Association. The counting of the secret ballots was made on November 23 in the presence of an IOMM&P International Ballot Committee quorum. When the official certified votes are submitted by the American Arbitration Association they will be officially recorded and announced.

EXHIBIT L

130,000 STRONG

The affiliation of the IOMM&P as the autonomous International Marine Division of the ILA brings together in affiliation the oldest and largest Licensed Deck Officers Union in America and the oldest and largest Longshoremen's Union in the world, comprising a combined AFL-CIO Trade Union membership of 130,000.

ANNOUNCEMENT

A joint International Officers Committee and Legal Counsel of the IOMM&P-International Marine Division of the ILA and ILA will meet immediately after official certification by the American Arbitration Association of the Referendum Ballot tally on the 60th Convention resolutions to formulate detailed mechanics to implement affiliation ratification.

EXHIBIT L

November 20, 1971

TO ALL OFFSHORE, INLAND, PILOT, GOVERNMENT
SHORESIDE MEMBERS OF THE ILA — INTERNATIONAL
MARINE DIVISION OF THE ILA

Dear Sirs and Brothers

We pledge our joint effort to:

1 Expand employment opportunities and benefits for Licensed Deck Officers by collective bargaining agreements, and new updated programs of shipping rotation.

2 Insure the primacy of the Masters command position.

3 Protect and extend the traditional authority and status of the Licensed Deck Officer.

4 Establish warranties of job security.

5 Strengthen collective bargaining capability — enforce management — union fair labor standards and practices.

6 Initiate organization campaigns.

7 Unify and stabilize Maritime labor — eliminate waterfront cannibalism and to bring about Maritime labor unity and stability by cooperative trade union action.

8 Act in concert with AFL-CIO, and Maritime unions for progressive legislation.

9 Expose and organize against foreign flag shipping as destructive to fair labor standards, and subversive to the national welfare, within the mainstream of AFL-CIO.

10 Restore the American Merchant Marine to its rightful strength and preeminent leadership.

11 Dedicate ourselves to peace and national security.

Fraternally

Thomas F. O'Callaghan, *President,*
International Organization of Masters,
Mates and Pilots

Teddy Gleason, *President,*
International Longshoremen's Association
Vice President, AFL-CIO

EXHIBIT L

DECEMBER 21, DEADLINE FOR ELECTION OF OFFICERS

The American Arbitration Association must receive your ballot cast in the Election of Officers by December 21st in order for your vote to be valid. If you have not received a ballot for the election of Officers, you may obtain a post-paid, pre-addressed Duplicate Ballot Request postal card from any office of the Organization. The request will be processed by the impartial balloting agency which is conducting the election — the American Arbitration Association. If you wish a duplicate ballot because the ballot (or return envelope) you have received has been mutilated, or you have erased a selection, etc. you should return the invalid envelope with your request for a duplicate.

NATIONAL ORGANIZATION OF MASTERS, MATES & PILOTS
39 BROADWAY, NEW YORK, N.Y. 10006

EXHIBIT L

Plaintiff's First set of Interrogatories

IN THE UNITED STATES DISTRICT COURT

FOR THE

SOUTHERN DISTRICT OF NEW YORK

121

FILED
U.S. DISTRICT COURT
S.D. OF N.Y.
MAY 17 3 59 PM '73

PETER J. BRENNAN,
Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS, INTERNATIONAL MARITIME DIVISION, ILA, AFL-CIO,

Defendant.

CIVIL ACTION

NO. 72 Civ. 5031 CBM

PLAINTIFF'S FIRST SET OF INTERROGATORIES

The plaintiff requests that the defendant answer under oath, in accordance with Rule 33 of the Federal Rules of Civil Procedure, the following interrogatories:

1. State whether defendant maintained during the period July 1, 1971, to present, any collective bargaining agreements with any employers.

2. If the answer to the foregoing interrogatory is in the affirmative, specify the following as to each agreement:

(a) The date of such collective bargaining agreement and the name of each employer or group of employers with whom it is or was maintained;

(b) The number of members of defendant who are covered by each such collective bargaining agreement;

(c) Period covered by each such collective bargaining agreement; and

(d) The general terms and provisions of each such collective bargaining agreement.

(e) Will defendant voluntarily attach a copy of each collective bargaining agreement referred to in the answer to this interrogatory?

3. State whether defendant is or was, during the period July 1, 1971 to present, the certified representative of any employees under the provisions of the National Labor Relations Act.

4. If the answer to Interrogatory No. 3 is in the affirmative, specify in detail the following as to each certification:

(a) The date of certification, and the name of each employer or group of employers having employees for whom defendant is the certified representative;

(b) The number of employees for whom defendant is the certified representative;

(c) The period covered by each such certification; and

(d) Will defendant voluntarily attach a copy of each certification referred to in the answer to this interrogatory?

5. State whether defendant is affiliated with the International Longshoremen's Association.

6. If the answer to Interrogatory No. 5 is in the affirmative, set forth the date of such affiliation, and specify in detail the general provisions of the affiliation.

7. If the answer to Interrogatory No. 5 is in the affirmative, state whether the affiliation between defendant and the International Longshoremen's Association was reduced to writing, and if so, will defendant voluntarily attach a copy of this writing to defendant's answer to these interrogatories?

8. Set forth in detail the entire procedure which members in good standing of defendant were required to follow in exhausting internal remedies relative to a protest of the conduct of defendant's International election of officers, citing with respect to each such procedure the applicable sections of defendant's Constitution and/or By-Laws.

9. Set forth the names and addresses of all members of defendant who protested the International election of officers.

10. With respect to the members set forth in answer to Interrogatory No. 9, specify in detail the following?

(a) The date of each such protest;

(b) The substance of the matter or matters raised in such protest; and

(c) The action taken by defendant with respect to each such protest.

11. State whether the persons set forth in answer to Interrogatory No. 9, exhausted internal remedies in accordance with the procedure set forth in answer to Interrogatory No. 8.

12. If Interrogatory No. 11 is answered in the negative, set forth in detail the facts upon which defendant bases its contention that each such person failed to properly exhaust all available internal remedies.

13. State what constitutes membership in good standing of defendant, citing the applicable sections of defendant's Constitution and/or By-Laws with respect to membership in good standing.

14. Set forth the number of members in good standing of defendant at the time of the international election.

15. Set forth the number of members in good standing of the Inland Division at the time of the international election.

16. Set forth the number of members in good standing in the Offshore Division at the time of the international election.

17. With respect to the union publication entitled "60th Convention Newsletter on the Resolution of Affiliation of the IOMM&P with the ILA" which is attached hereto and marked as Exhibit A, state how much money defendant expended in the preparation, duplication, and distribution thereof.

18. With respect to the distribution of the publication identified as Exhibit A:

(a) Set forth the number of members of defendant to whom this document was distributed;

(b) Specify in detail the method used for distributing the document identified as Exhibit A, indicating the sources of defendant's information with respect to the last known home addresses of the members to whom the publication was distributed; and

(c) State the exact date of distribution of the document identified as Exhibit A.

19. With respect to the union publication entitled "All Constitutional Amendments and Resolutions of the 60th Convention ratified - Affiliation of IOMM&P as the International Maritime Division, ILA (AFL-CIO) Affirmed" which is attached hereto and identified as Exhibit B, specify the exact cost of the preparation, duplication and distribution thereof.

20. With respect to the union publication identified as Exhibit B:

(a) Set forth the number of members of defendant to whom the publication was distributed;

(b) Specify in detail the method used in distributing the document identified as Exhibit B, indicating the exact sources of defendant's information with respect to the last known home addresses of the persons to whom it was distributed; and

(c) State the exact date of the distribution of the document identified as Exhibit B.

21. Set forth the total number of members in good standing of former Locals 5, 11 and 14 at the time of the international election.

22. Set forth the total number of members in good standing of former Locals 4, 25 and 15 at the time of the international election.

23. Set forth the number of members in Local 47 at the time of the international election.

24. State whether the membership of Inland Local 47 was in good standing with defendant at the time of distribution of ballots on September 21, 1971.

25. If the answer to Interrogatory No. 24 is in the negative, specify in detail the facts upon which defendant bases its contention that the membership of Local 47 was not in good standing at the time of the distribution of ballots on September 21, 1971.

26. State whether any ballots in the international election were not counted by defendant by reason of the fact that they did not bear postmarks.

27. If the answer to Interrogatory No. 26 is in the affirmative, set forth the exact number of ballots which were not counted.

28. If the answer to Interrogatory No. 26 is in the affirmative, state who made the decision not to count the non postmarked ballots, and the date when such decision was made.

29. State whether defendant made any provision in the international election for inspection by candidates of lists containing the names and last known addresses of defendant's members.

30. If the answer to Interrogatory No. 29 is in the affirmative, specify in detail the provision or provisions made by defendant for such inspection.

31. If the answer to Interrogatory No. 29 is in the affirmative, specify in detail the following:

(a) The person or persons responsible for establishing the terms and conditions of such inspection; and

(b) The method by which defendant communicated information relative to the inspection of membership lists to candidates in the international election.

32. State whether defendant made any provision for the distribution by mail of campaign literature in the international election.

33. If the answer to Interrogatory No. 32 is in the affirmative, specify in detail the provision or provisions made by defendant for such distribution of campaign literature.

34. If the answer to Interrogatory No. 32 is in the affirmative, specify in detail the following:

(a) The person or persons responsible for establishing the terms and conditions of said procedure for distribution of campaign literature in the international election; and

(b) The method by which defendant communicated the information relating to the distribution of literature to candidates in the international election.

35. With respect to paragraph 11 of defendant's answer, set forth in detail the facts upon which defendant bases its contention that the complainants referred to in paragraph VII of the complaint failed to file a complaint relative to the election with the plaintiff within the time requirement set forth in 29 U.S.C. section 482.

Harlington Wood, Jr.

HARLINGTON WOOD, JR.
Assistant Attorney General

WILLIAM J. KILBERG
Solicitor of Labor

BEATE BLOCH
Associate Solicitor

FRANCIS V. LARUFFA
Regional Solicitor

ROBERT K. SALYERS
Attorney

U. S. Department of Labor
Of Counsel

United States Attorney

Harland F. Leathers

HARLAND F. LEATHERS
Attorney, Department of Justice

Attorneys for Plaintiff

68th Convention Inc.rsleeter on the Resolution of Affiliation of the IOMM&P with the ILA

Published by

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS

39 BROADWAY, NEW YORK, NEW YORK 10006

AFFILIATED WITH AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS
INTERNATIONAL TRANSPORTWORKERS FEDERATION RAILWAY LABOR EXECUTIVES' ASSOCIATION

FOUNDED 1880

THOMAS F. O'CALLAGHAN
International President

ROBERT J. LOWEN
Secretary-Treasurer

WILLIAM M. CALDWELL
Vice President

RESOLUTION

To amend the International Constitution by adding the following as Article XIV, AFFILIATION OF THE INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS WITH THE INTERNATIONAL LONGSHOREMEN'S ASSOCIATION.

The International Organization of Masters, Mates and Pilots shall become affiliated with the International Longshoremen's Association as the "International Organization of Masters, Mates and Pilots, the International Marine Division of the International Longshoremen's Association," and this affiliation shall be in accordance with the following principles and safeguards:

1. The International Marine Division shall be autonomous and have its own officers, subdivisions, and self-government.

2. The President of the International Organization of Masters, Mates and Pilots shall be the representative of the International Marine Division on the International Longshoremen's Association Executive Council.

3. The International Marine Division will also be represented on the Executive Boards of the ILA three existing geographical Districts: the Atlantic Coast District, the South Atlantic and Gulf Coast Distr and the Great Lakes District. If the ILA establishes a Pacific Coast District, the IOMM&P will also have the right to be represented on the governing Board of that District.

4. Any maritime union, inland or offshore, which hereafter affiliates with the ILA shall become part o the International Marine Division.

5. The International Longshoremen's Association shall pay per capita tax on IOMM&P members to the AFL-CIO and this per capita tax shall be itemized separately as being made for members of the International Organization of Masters, Mates and Pilots. The IOMM&P shall pay per capita tax to the ILA.

6. At any time prior to October 1, 1975, either Organization, for any reason, may cancel the affiliation by written notice to the other, and the AFL-CIO charter and jurisdiction of the IOMM&P shall remain with the IOMM&P.

In the event of any such cancellation, the IOMM&P shall continue to retain all of its books, records, contracts, securities, funds, property, assets, collective bargaining agreement(s) and pension, welfare, vacation and [illegible] books, records, funds, property and assets of any description which [illegible]

In the event there has been any transfer of members or organic merger of locals during the period that the IOMM&P has been a part of ILA, then, upon such cancellation, such transfer of members or organic merger of Locals shall be rescinded and the parties restored insofar as possible to their status quo immediately prior to July 1, 1971.

EXHIBIT A

BEST COPY AVAILABLE

HON. EDWARD A. GARMATZ CHAIRMAN, HOUSE MERCHANT MARINE AND FISHERIES COMMITTEE

"This AFFILIATION represents an important first step in achieving trade union solidarity, in both principle and in action, and I commend this historic AFFILIATION of the two great unions. I think it's significant that this AFFILIATION brings together the Masters, Mates and Pilots, the oldest and the largest licensed officer labor organization in the nation, and the ILA, which is the largest union of longshoremen in the world.

Even though the American maritime industry has been given a new lease on life with the enactment of the Merchant Marine Act of 1970, this industry must still face fierce foreign competition, and it must have stability if it is to survive.

A new spirit of cooperation and solidarity is certainly essential to the stability of the American merchant marine industry. The very lives, the careers, the security, the welfare of maritime labor, is dependent upon such stability.

I commend the foresight and the courage of my two long-standing friends, Tommy O'Callaghan and Teddy Gleason, President of the ILA. It takes courage to make a major step such as this AFFILIATION. And their action renews my conviction that they are both dynamic leaders.

I think the maritime industry of the future will require such leadership. It will need more men like these two, men who have the forceful determination to break precedent, to hurdle obstacles, and to blaze fresh, forward-moving trails. It will require men who possess a firmness of character and will make a short-term sacrifice to achieve the long-range welfare of the total industry, as well as the interest of the entire labor union movement.

In the past, there has been much talk about the need for unity in the maritime field. There have been many warnings that a new era of stability is essential if this industry is to survive. But each of you here today can be proud that while others talked, your union and the leadership made it happen. They did what had to be done, and they did it right now.

I hope that this example will lead the way to a complete maritime unity. Hopefully, as a result of this merger, management will understand and respond with renewed hope, rather than with distrust and fear.

The Government and the Congress should also find new confidence and a stronger will to fulfill the objectives of the Merchant Marine Act of 1970. And, finally, the entire nation and the American economy will be the ultimate beneficiary."

EXCERPTS FROM ADDRESS AND STATEMENTS MADE BY INTERNATIONAL ILA PRESIDENT TEDDY GLEASON— (President Gleason is Also Vice-President of the AFL-CIO Executive Council)

AFFILIATION means whatever fighting the IOMM&P needs to protect your union, the ILA will be together with you; and have the right to officially fight to protect your union from anyone, at anytime, any place you call on us. The ILA will be on your side against anyone who tries to take over your union. We are going to support you all the way down the line, come hell or high water, to maintain your rightful place on board ship, to make sure that everyone pays respect to the Masters, Mates, and Pilots authority, rights, and command . . . We'll back your jurisdiction status all the way . . . No ILA officers will ever tell you what to do, how to do it, or when. We will never do that. We are not that kind of people or that kind of union.

Anyone who knows us knows we have never crossed a line or jurisdiction, and we don't ever intend to . . . Like Cup (Captain O'Callaghan says) *AFFILIATION is going to make an end of waterfront cannibalism once and for all.*

Let's be clear about this . . . our affiliation is like a marriage . . . a marriage of convenience and necessity . . . WE NEED IT . . . YOU NEED IT . . . WE NEED YOU . . . YOU NEED US! For mutual protection . . . for common goals . . . for the good of both and of all the industry.

I'm here to tell you the ILA is for Stability; Stability in the industry and within Maritime Labor . . . Maritime Labor Stability means this: no union swallows the other union up. I know (and I have the evidence), who passes around the trumped up propaganda that the ILA is going to "swallow-up" the IOMM&P . . . that the ILA is going to "take-over" the control of the IOMM&P, and take on the jobs of the Masters, Mates and Pilots . . . *We are the one union that can't do that,* and couldn't ever want to do that. This sick propaganda comes from imbeciles! No person in his right mind will believe it.

AFFILIATED to the ILA, you cannot and won't ever be "swallowed up." You cannot because you have your own autonomy guaranteed, you have your own officers, your rules, your rights, your Constitution, By-Laws intact. No one can say you, the IOMM&P, should have three mates today, four mates tomorrow, one mate and seven engineers the next day! That's the basic difference with the ILA and the MEBA, or anybody else.

EXHIBIT A

When they (referring to IOMM&P "opposition" leaflets in his possession) bring up such questions as racism in connection with the AFFILIATION it turns my stomach . . . and when I see a man who was once head of the IOMM&P for years hooking up with this propaganda . . . for personal gain, and nothing else; this from a man who has been around this industry and labor for more than 15 years . . . doing this for the sake of job . . . it makes me sick again.

I believe in a guy fighting like hell within his union, within his union. I believe in labor democracy, union democracy. But *I don't believe in anybody taking money from somebody else to put out propaganda trash like this stuff.*

We have copies of the paid bills, paid from outside sources, for printing of the anti-IOMM&P-ILA propaganda. We know where this trash was printed, who paid and when. And I tell you, if anyone in the IOMM&P [illegible] look outside money to print this material trying to bring about disruption within your own organization, then it's wrong, very wrong.

I think you all know me. If anyone wants to get up and say his piece, I admire him for doing that. But I don't think anyone, including me, should *go outside of our ranks to hurt our own organization. No union man should do it,* no one else in *other organizations should go outside of his ranks.* He should fight like hell within his own ranks to make the changes he wants.

Why the hell shouldn't Maritime Labor be together? When we get ourselves together into one Division, we might say take a trip offshore for yourself, and leave us stay inshore. Somebody has got to stop this inter-union in-fighting, or otherwise Maritime unions are going to emasculate each other, and you know it, better than anybody else, and you know I'm not joking or kidding and I'm not up here to lie about this or anything else.

Together we'll take a stand, because we'll be the only ones that will be able to take a stand when the other new ships come out. I said 30 men crews. But, they are down to 22 men now. And you know this. I don't have to lie to you about this. You know this yourself.

But if we are all together, you wouldn't have any trouble getting *10 men.* You wouldn't have any trouble maintaining five or six mates on those new ships. You wouldn't have a bit of trouble. These other guys are going in now and wanting to make deals for three mates. Some are already making deals for three mates. And this is what you can look for in the future, unless we get ourselves together.

IOMMP - ILA
PAST, PRESENT, FUTURE

The ILA remembers that it was the IOMM&P, and only our union, which stood up for them; and lined up with them when the AFL-CIO voted them out. We voted and spoke for the ILA remaining in the parent body. They don't forget the back-up we gave them in the Central Gulf, New Orleans; or other demonstrations of trade union cooperation on the record. Now what do we in the IOMMP remember? . . . The ILA gave their word and kept it. Against rough and tough threat and action; physical, political, personal.

Teddy Gleason said the ILA would go down the line with the MM&P on the Prudential-Grace beef. Teddy Gleason and Johnny Bowers and the ILA honored that pledge in action. Both of these trade union leaders personally took over direct responsibility for their pledge. In Mobile, New Orleans, Baltimore, New York, Jacksonville, the ILA brothers stood by us, and lift [illegible] the ILA brothers stood by us, and lift the docks. NO ONE ELSE DID.

In the AFL-CIO Maritime Committee no one dared challenge up Teddy Gleason when he spoke officially for the ILA and said "I BELIEVE ONLY THE MASTER SHOULD CALL THE SHOTS ON THE SHIP, REGARDLESS OF ANYTHING, OR ANYONE."

Over the years Teddy has proven his belief in the principle of the unchallenged primacy of the Master, the absolute authority of the Masters' command post. He stepped on some very sore toes, and konked some very sorcheads on that score, but he has never backed-down. You can lay odds he won't ever.

There's much deception and self-deception about the irrevocable, non-negotiable common principle agreed upon between the ILA and IOMM&P—*The Master's primacy, his status and privileges, responsibilities, and authority and jurisdiction of the Licensed Deck Officer.*

The record shows there is, and continues to be; sniping, needling, groin-kicking, back stabbing; every kind of trick and shafting directed toward BLOOD-LETTING THE authority OF the Master, WEAKENING HIS TRADITIONAL COMMAND status, PUSHING HIM OVERBOARD off the command post. That's something we'll fight all the way, against anybody, any combination.

Anyone with any idea that the United ranks of ILA-IOMM&P can be dented or shunted away from their mutual dedication to the Masters' command, and Licensed Deck Officer status, have got to be really haywire and volunteers for a snakepit.

AFFILIATION is the cement that will fortify the base of the structure we are building with Masters' Primacy built-in with a will of steel to guard that status against any and all encroachments.

EXHIBIT A

IOMM&P AFFILIATION REFERENDUM ANNOUNCED 6 MONTHS AGO!

In statements to the Miami Press, Radio and Television, with Officials of ILA attending, and subsequently in an interview published March 29, 1971 and reprinted in Maritime Trade Press, with Richard Basoco, Maritime editor of the Baltimore Sun; International President Thomas O'Callaghan put on the record publicly that the ultimate decision on affiliation would be made by IOMM&P membership [illegible] only after all duly elected representative elected bodies of both ILA and IOMM&P had discussed conditions concerning affiliation and had voted to refer favorably to membership, and after the official stamp of approval was given by the AFL-CIO Executive Council as consistent with charter affiliation provisions of AFL-CIO constitution. Each step in the process being duly observed and voted favorably upon, the 60th Constitutional Convention approved the AFFILIATION resolution brought to the Convention floor by unanimous affirmative recommendation of the Convention Constitutional Committee.

THE SUN

MARITIME

By RICHARD BASOCO
Maritime Editor of THE SUN

Last week the Masters, Mates and Pilots and the ILA announced jointly that the deck officers had applied for affiliation with the longshore union and that the executive board of the dockworkers had voted to accept that application.

Confident Of Outcome

In an interview after the announcement last week, Capt. Thomas F. O'Callaghan, president of the unlicensed union, said he intended to put the question to referendum in my case because he was confident of the outcome and wanted the public to know the membership "is 1,000 per cent behind him."

AFFILIATION FACT

The basic Constitution and By-Laws won't be changed by AFFILIATION, and can't be changed except under specific provisions of our OWN Constitution and By-Laws of October 1, 1970. All democratic rights continue in force. The ILA will not have authority to make decisions for us. They don't want to make decisions for us and we don't want to make decisions for them. We both remain independent trade unions and shall respect each others' trade union independence.

STEP BY STEP TOWARD AFFILIATION RESOLUTION REFERENDUM

The AFFILIATION Resolution was adopted by the 60th Convention of the IOMM&P meeting in Galveston, July 26-30.

On a roll call vote on RESOLUTION titled "AFFILIATION OF THE INTERNATIONAL ORGA[illegible] WITH THE [illegible] SHOREMEN'S ASSOCIATION" . . . Convention delegates (with one solitary exception) all voted FOR AFFILIATION. The Constitution Committee had voted unanimously to recommend the Resolution favorably to the Convention.

Convention roll call vote was—33 delegates For, 1 delegate Against.

SUMMARY OF STEPS LEADING TO CONVENTION OVERWHELMING APPROVAL OF AFFILIATION . . .

The IOMM&P and the ILA have a long, and unbroken record of supporting each other. Discussions of forms of formal association have been going on for several years. Rank and File members of both unions have cooperated and backed up each other whenever there was need for Trade Union solidarity. The leadership of the IOMM&P and ILA trust and respect each other and trust each other's jurisdiction. Both unions are real trade unions in the true sense.

During the Prudential-Grace crisis last year the IOMM&P and the ILA faced together a conspiratorial assault against the independence, integrity, and jurisdiction of each union which threatened their existence and future.

Waterfront cannibalism, in its ugliest shape ran rampant. Collective bargaining was disrupted, Trade Union principles were violated.

Union-busting collusion between managements and certain Maritime Union leaders involving scabbery and finking, exploded on the waterfront during the course of IOMM&P—Prudential LASH Italia negotiations. These attacks were savagely aimed at the jugular of the IOMM&P; deliberately planned for the destruction of the PRIMACY OF THE MASTER, to cripple and splinter the status and jurisdiction of the Licensed Deck Officers, and castrate the IOMM&P.

Every trick and deceit was used to toss overboard the rightful authority, and command position of the Captain and the Licensed Deck Officer crew both in numbers, as well as status.

Simultaneously, the ILA had to wage war against these same subversives who were hell-bent to sabotage ILA jurisdiction and work rules. ILA and IOMM&P

EXHIBIT A -

confronted a common double-barreled union busting offensive.

A clear and imminent danger faced us together.

IOMM&P and ILA union leadership sped up talks of formal association to the decision-making stage. We determined to act in self-defense; to protect our members' security, jobs, jurisdiction, and in fact the life of the unions . . .

Discussions of the need to act on AFFILIATION were comprehensive and included participation of Port Officers, Executives, and duly constituted bodies of both unions . . .

The step-by-step voting process is summarized below . . .

1.) Atlantic Coast Executive (ILA), General Executive Board (ILA)—unanimous.
2.) Poll of Port Officers (IOMM&P)—unanimous.
3.) General Executive Board (IOMM&P)—unanimous.
4.) AFL-CIO Executive Council approval.
5.) 60th Constitutional Committee—unanimous.
6.) Convention approval.
7.) Referendum ballot now taking place.

We submit to the IOMM&P membership the record, the facts and the acts. Step-by-step, strictly observing each required constitutional process, the IOMM&P (and the ILA) cleared the way for the ultimate decision to take place; the mandate by the full membership by secret referendum ballot.

Of significance and concern to the membership is the fact that on the record one, *and one vote only,** has been registered against AFFILIATION, and that vote came at the 60th Convention of the IOMM&P.

** The one solitary convention delegate who voted against affiliation HAS BEEN RETIRED FROM THE INDUSTRY FOR THREE YEARS. He has been collecting better than nine hundred dollars ($900.00) per month in pension payments from the IOMM&P for the three year period.*

WITH REASON—OR WITHOUT

In the event the IOMM&P believes it to be in the best interests of the membership to terminate affiliation as the Marine Division of the ILA for any reason, *or for no given reason*, an official letter of disaffiliation cancels the affiliation forthwith. There are no strings, there is no ambiguity; the stipulation is positive, clear, and straightforward. Explicit and definite.

Until 1975 this direct, unqualified option maintains in force for both IOMM&P and ILA.

After 1975 both the ILA, and the IOMM&P, Marine Division of the ILA will together and separately determine stipulations governing relationship of the two unions, by proper constitutional action based on trade union principles.

EXCERPTS FROM ADDRESS OF JOHN BOWERS—EXECUTIVE VICE-PRESIDENT, ILA, AT THE 60TH IOMM&P CONVENTION

It does seem very strange to me, that these same people who are fighting against our affiliation are the very people who tried to grab your jobs a few months ago on the PRUDENTIAL-GRACE. They're very unhappy to see the IOMM&P and ILA get together . . . They're after your field. The others (you all know who) are after the same thing from top to bottom. But together we are going to stop them.

They are going after every damn thing, on roll-on/roll-off ships, like they tried with PRUDENTIAL-GRACE. All those longshore hours they worked! They pulled the ship into Norfolk, and into a non-union shipyard. They finked and they took our work. They unloaded those barges. So, they are so damned concerned with us not getting together. The reason is they know, together, we have strength, and together we are going to come out on top . . . I trust O'Callaghan, and if O'Callaghan wasn't the top man here I'd think twice before saying I want the affiliation to go through with the Masters, Mates and Pilots.

O'Callaghan I trust. I also have many more good, trusted friends in the Masters, Mates and Pilots, I'm hoping you become affiliated as the Marine Division of the ILA, so we'll be united in one great organization—I'm happy for us both.

AFL-CIO ETHICS COMMITTEE

Legal steps will be taken, through the AFL-CIO Ethics Committee (and probably through District Attorney involvement) on definite damning evidence in possession of the International Office which confirms an underground alliance with specific Officials of another union and extremist disrupters within the IOMM&P; an alliance which includes direct subsidy of these leaflets carrying distortion and fraud . . . the objective of this propaganda is to produce a cancer within the IOMM&P—to pressure the IOMM&P into a NMEBA engineered swallow-up aimed at the destruction of the Masters' authority, rights, responsibilities, and unchallenged primacy, a gangland hi-jack of our jobs, security, and status. The Calhoun solicitation for NMEBA-IOMM&P merger is an invitation to suicide to which the IOMM&P replies, thanks, but no thanks.

EXHIBIT A

A VOICE OF THE C[illegible]ER, AND INSIDE MOUTHPIECES

The IOMM&P members have a right to know that although only one solitary recorded vote against AFFILIATION was recorded at the 60th Convention, other voices and other opponents of AFFILIATION have been heard from. IOMM&P unionists have a right to know sources of opposition viewpoints, and can compare the original outside opposition brain-trusts' words with their spokesmen inside the IOMM&P.

Published in June of this year in AMERICAN LABOR, June 9, 1971 (but quoted from a May 1971 interview), are the responses of Jesse Calhoun to *American Labor's* questions on the discussions of AFFILIATION. Mr. Calhoun's words speak for themselves . . . (an example of the wish being father to the thought).

"The affiliation is not going to stabilize anything at all, if anything, it will fractionalize the industry more than before. AFFILIATION must be recognized as ill-conceived, illogical, and deleterious to all concerned. I am unalterably opposed to AFFILIATION.

I call on all of the appropriate agencies and departments of the AFL-CIO to join us (NMEBA) in opposition.

The personal intransigence and rule or ruin philosophy of certain IOMM&P International Officers is well-known in maritime circles . . . ORDINARILY THE MEBA WOULD HOPE THAT THE IOMM&P MEMBERSHIP WOULD CURE SUCH ILLS THROUGH THE OPERATION OF ITS *INTERNAL ELECTIONS*. BUT WHEN THE EMPLOYMENT, SECURITY, LIVELIHOOD AND BENEFITS OF THE ENTIRE MARITIME COMMUNITY ARE THREATENED, *IT IS INCUMBENT UPON US TO SPEAK OUT*."

There is not the slightest doubt that Mr. Calhoun is keeping his word, he is speaking out—speaking out in leaflets, pamphlets, and subversion—through his flunkies, character assassins, racists, and finks who pollute the waterfront with propaganda against the leadership of the IOMM&P, and the ILA, with mindless, poison-pen, libelous anti-labor trash. They are speaking out in his words, parroting his exact phrases and ideas. Groups, and cliques who spread the garbage suck the curdled milk from the mother wolf who inspires the wolf-pack.

PRESIDENT O'CALLAGHAN RESPONDS TO A CON[illegible]ON DELEGATE

132a

"You can pick up all types of scurrilous leaflets against the Masters, Mates and Pilots and ILA.

Here, in the South, there are distributed leaflets with pictures of me and Bill Hale and Dave Alston. Dave Alston and Bill Hale are black leaders of the longshoremen in the Ports of Baltimore and Norfolk. They have long been my friends, and I'm honored and proud to have them as my friends, and I'm happy to have my picture with theirs any time. They are real people, these two outstanding trade unionists. They have helped me out and helped out the Masters, Mates and Pilots any number of times. This literature and these pictures distributed in the Gulf are deliberately aimed to fan race prejudice and bigotry. This muck says the IOMM&P is going to be taken over by the ILA Negroes.

Up on the Lakes, where the mates up there are not too well acquainted with the offshore unions, and especially the longshoremen union, they are putting out *this* fraud. I'm pictured with Harry Bridges, President of the ILWU. This printed garbage says O'Callaghan is going to tie-up with Bridges forcing the IOMM&P into the West Coast Longshoremen. Bridges is going to be the IOMM&P dictator now.

The mates on the Lakes ask me why the hell am I selling them out to Bridges? They don't know that Teddy Gleason, not Bridges, is the President of the ILA. This propaganda is vicious red baiting.

Out on the West Coast, there's a committee, the MEBA put it together, called the West Coast Grievance Committee. The dispatcher of the MEBA down in Long Beach, is the West Coast Grievance Committee of the Masters, Mates and Pilots, and he prints slander and libel against the ILA.

On the Atlantic Coast, there is real horror stuff. I'm in cartoon drawings with a Baltimore IOMM&P port official. We both have long hooked noses, cock-eyes; the kind of anti-semitic scum that the Nazi's printed.

These are the insane lengths—there is no limit to it. The lunatic fringe are working all angles; racism, red herrings, bigotry, slander. That's the kind of thing and the people that we are dealing with."

MEBA MAJORITY FOR UNITY, AGAINST DISRUPTION

The majority of MEBA unionists share with the Licensed Deck Officer unionist much in common, as trade unionists, and skilled professional officers. The time is shortening when there will indeed be a powerful, firm, secure Maritime Officers Union—an integral part of the Marine Division of the ILA, with jurisdictional lines, and mutual respect for each others' status legitimately agreed upon. That's a certainty . . . We know that the great majority of MEBA members are angered, and revolted by the undercover operations of certain of their leaders who instead of working for labor fraternity, are hell-bent to divide and destroy maritime labor . . .

Corruption will expose itself . . . the Truth will out.

EXHIBIT A

The notarized Statement below is one of many of similar documents now in possession of the International Office revealing the shocking, criminally directed attempts of officials of the MEBA directly engaged in disruption and intimidation against the IOMM&P and the ILA.

Already in early May 1971, before duly constituted bodies of the IOMM&P and the ILA had the opportunity to discuss and vote on the issue, certain MEBA officers had begun their vicious attacks.

STATEMENT OF FACTS CONCERNING A MEETING WITH MEBA OFFICIALS

In the early part of April, 1971, I was approached (on the floor of the Wilmington MM&P hall) by Jim Ramirez, MEBA Patrolman and former shipmate, to see the MEBA Wilmington Port Agent, C. Dodson. The purpose of this meeting was to show me how the MEBA could guarantee my election as an official of the IOMM&P. It was explained to me that the MEBA is very well versed in this and would set up my entire campaign, make the right connections, distribute the literature, and finance the campaign.

After two such casual discussions with Ramirez, I subsequently met with Ramirez and Dodson in Dodson's office on the morning of April 26, 1971. At this meeting Dodson did virtually all the talking. His primary concern was the "merger" (his words) of the IOMM&P and the ILA. He stated that any such merger would eventually cause a "bloodbath" on the waterfront. The alignment of forces would be all sea-going unions opposing the IOMM&P-ILA. He further stated that all incumbents in the IOMM&P had to be in on the "sell-out" to the membership, and that any candidates who supported or aligned themselves with the incumbents would be opposed by the MEBA. He stated "WE INTEND TO INTERFERE DIRECTLY IN THE IOMM&P ELECTIONS" and that this interference would be in the form of anti-ILA literature and full support of cooperating candidates. He also implied that it would be very lonely for the IOMM&P members on the West Coast without ILA support and opposed by all other sea-going unions and the ILWU.

When asked what MEBA's real interest in the matter was, he stated that the eventual results should be a merger of MEBA, ARA AND IOMM&P. He was also very concerned about how the IOMM&P was going to pay the officials such "huge" salaries; after all wasn't this an example of the "sell-out" by going bankrupt and subsequently floating a loan from the ILA, thereby forever indebting the Organization to Teddy Gleason. He was, however, unconcerned with the financial problems of the MEBA since its amalgamation with BME or the influence of Paul Hoffman in the MEBA now that Lee Pressman is not on the scene.

The remainder of the meeting was basically a reiteration of the above ideas. However, at the conclusion Dodson offered once again to give "all support possible" to me, should I decide to go along with the idea, and that his meeting must be kept a secret with no mention that it ever existed. I was then ushered out the side door after Ramirez checked to see if anyone was around.

Under the penalty of perjury I certify the above statement to be true.

John Haring

John Haring
Offshore Division Member

Subscribed and sworn to before me, a Notary Public in and for the County of Los Angeles, State of California this 3rd day of August, 1971.

Grace Hughes

OFFICIAL SEAL
GRACE HUGHES
NOTARY PUBLIC-CALIFORNIA
LOS ANGELES COUNTY
My Commission Expires Dec. 19, 1972

617 Avalon Blvd., Wilmington, Calif. 90744

EXHIBIT A

THE MM&P PLANS

There *are* questions the membership must have answers to in order to vote on the *merits* of AFFILIATION . . .

Included in the perjured and perverted propaganda, verbal and written, is the lie that the MM&P Pension Plan, and the other MM&P Plans will be "taken over" by the ILA, dependent on ILA control; as a result of AFFILIATION.

Perpetrators of this big lie know its a lie. They know there is no *possibility* of a "takeover," no chance of IOMM&P Pension and other plans being "swallowed-up" into ILA Funds. They know our Funds are now, and will lawfully and constitutionally, continue to be [illegible]

Our IOMM&P Funds are financed by contracted shippers; they now have and will continue to have, after AFFILIATION, their own separate assets, investments, procedures, and policies.

The Funds and Plans are solely and exclusively of, by, and for, the IOMM&P members; and no one else, and will remain so.

The Board of Trustees made up of IOMM&P members and representatives of contracted ship operators serve only as appointed by the Union, and shippers; as duly prescribed in rules and regulations. Federal, and IRS laws prohibit any "takeover," "swallowing-up" or "submerging" any of the rights, privileges, or assets. Lawfully and constitutionally, the exclusive right of each and every IOMM&P member; remains unaltered, and inviolate. The liars know this full well. But the sick minds of the perverted propagandists stop at no limit to deceive. The fact is that the IOMM&P will be a great deal stronger and more forceful in coming negotiations, precisely because of AFFILIATION, to further secure, and implement, the benefits we now command.

President Gleason castigated the liars as "imbeciles," and added that only imbeciles would swallow such phoney and obvious slander. The IOMM&P membership are not imbecillic. They know both the source of the lie, and the aim of the liars.

UNION DEMOCRACY WORKS THROUGH REPRESENTATION AND PARTICIPATION

Elected officials have a serious responsibility in serving the membership which elects them to office. They are elected to represent and speak for their constituents. That is the basis for representative union democracy. Each elected official has the obligation and responsibility to examine, judge, and either approve or reject issues on their merits. When crucial issues which require ultimate decision by membership referendum are on the table, it's proper and necessary that the step-by-step process representative of union democracy be strictly observed. This principle has been carried out in spirit and to the letter. After full participation and prolonged and continuous [illegible] IOMM&P full [illegible] Vice-Presidents, Division Officials and International Officers have voted on AFFILIATION. Now the membership will exercise its deciding democratic right: to vote on the AFFILIATION resolution.

The series of official meetings listed were supplemented over a five month period by IOMM&P West Coast, Atlantic Coast, Gulf Coast conferences called (and participated in) by the International President and Vice-Presidents Gaier, Jones, Durkin representing regional districts. International Executive Vice-President Caldwell, International Secretary-Treasurer Lowen were in continual communication with President O'Callaghan and directly involved in the affiliation processes.

Atlantic Coast Vice-President Gaier joined President O'Callaghan at the Miami sessions of the ILA Atlantic Coast Executive Committee, and General Executive Sessions of the ILA, participating in continuing talks with ILA officers preceding the unanimous vote of both ILA bodies in favor of affiliation. Pilot Vice-President Sprada received comprehensive briefing and participated in continuing talks with President O'Callaghan.

In the process of submitting the vote of AFFILIATION to membership referendum, the most meticulous consideration has been given to full, complete, democratic trade union principles.

The elected representatives of the IOMM&P have gone on record overwhelmingly favoring AFFILIATION.

EXHIBIT A

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS

AFFILIATED WITH AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS
INTERNATIONAL TRANSPORTWORKERS FEDERATION ⚓ RAILWAY LABOR EXECUTIVES' ASSOCIATION

FOUNDED 1880

THOMAS F. O'CALLAGHAN
INTERNATIONAL PRESIDENT

ROBERT J. LOWEN
SECRETARY-TREASURER

WILLIAM M. CALDWELL
VICE PRESIDENT

39 BROADWAY
NEW YORK, N. Y. 10006
WHITEHALL 4-8508

Cables: BRIDGEDECK

All Constitutional Amendments and Resolutions of the 60th Convention Ratified

Affiliation of IOMM&P as the International Marine Division of the ILA (AFL-CIO) Affirmed

FOR YOUR INFORMATION

Voting results reported here were provided by the American Arbitration Association. The counting of the secret ballots was made on November 23 in the presence of an IOMM&P International Ballot Committee quorum. When the official certified votes are submitted by the American Arbitration Association they will be officially recorded and announced.

EXHIBIT B

130,000 STRONG

The affiliation of the IOMM&P as the autonomous International Marine Division of the ILA brings together in affiliation the oldest and largest Licensed Deck Officers Union in America and the oldest and largest Longshoremen's Union in the world, comprising a combined AFL-CIO Trade Union membership of 130,000.

ANNOUNCEMENT

A joint International Officers Committee and Legal Counsel of the IOMM&P - International Marine Division of the ILA and ILA will meet immediately after official certification by the American Arbitration Association of the Referendum Ballot tally on the 60th Convention resolutions to formulate detailed mechanics to implement affiliation ratification.

EXHIBIT B

November 26, 1971

TO ALL OFFSHORE, INLAND, PILOT, GOVERNMENT
SHORESIDE MEMBERS OF THE IOMMP – INTERNATIONAL
MARINE DIVISION OF THE ILA

Dear Sirs and Brothers

We pledge our joint effort to:

1 Expand employment opportunities and benefits for Licensed Deck Officers by collective bargaining agreements, and new updated programs of shipping rotation.

2 Insure the primacy of the Masters command position.

3 Protect and extend the traditional authority and status of the Licensed Deck Officer.

4 Establish warranties of job security.

5 Strengthen collective bargaining capability — enforce management — union fair labor standards and practices.

6 Initiate organization campaigns.

7 Unify and stabilize Maritime labor — eliminate waterfront cannibalism and to bring about Maritime labor unity and stability by cooperative trade union action.

8 Act in concert with AFL-CIO, and Maritime unions for progressive legislation.

9 Expose and organize against foreign flag shipping as destructive to fair labor standards, and subversive to the national welfare, within the mainstream of AFL-CIO.

10 Restore the American Merchant Marine to its rightful strength and preeminent leadership.

11 Dedicate ourselves to peace and national security.

Fraternally

Thomas F. O'Callaghan, *President,*
International Organization of Masters,
Mates and Pilots

Teddy Gleason, *President,*
International Longshoremen's Association
Vice President, AFL-CIO

EXHIBIT B

DECEMBER 21, DEADLINE FOR ELECTION OF OFFICERS

The American Arbitration Association must receive your ballot cast in the Election of Officers by December 21st in order for your vote to be valid. If you have not received a ballot for the election of Officers, you may obtain a post-paid, pre-addressed Duplicate Ballot Request postal card from any office of the Organization. The request will be processed by the impartial balloting agency which is conducting the election — the American Arbitration Association. If you wish a duplicate ballot because the ballot (or return envelope) you have received has been mutilated, or you have erased a selection, etc. you should return the invalid envelope with your request for a duplicate.

NATIONAL ORGANIZATION OF MASTERS, MATES & PILOTS
39 BROADWAY, NEW YORK, N.Y. 10006

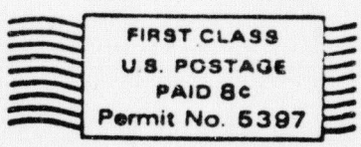


EXHIBIT B

JDD:ets
72-3882

FILED
U.S. DISTRICT COURT
JUL 5 3 08 PM '73
S.D. OF N.Y.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETER J. BRENNAN, Secretary of Labor, U.S. Department of Labor,

Plaintiff,

-v-

INTERNATIONAL ORGANIZATION OF MASTERS, MATES & PILOTS, AFL-CIO,

Defendant.

NOTICE TO TAKE DEPOSITION

72 Civ. 5031 CBM

S I R :

PLEASE TAKE NOTICE that pursuant to Rule 26 of the Federal Rules of Civil Procedure, plaintiff will take the deposition of defendant by Joseph Valensi, Secretary of its International Ballot Committee, before a notary public or some other officer or person authorized to administer oaths, on the 9th day of August, 1973 at 11:00 A.M. in the forenoon, in Room 329, United States Courthouse, Foley Square, New York, New York. If this deposition is not completed on that date, it will be continued from day to day until completed. You are invited to attend and cross-examine.

Dated: New York, New York
July 2, 1973

Yours, etc.

PAUL J. CURRAN
United States Attorney for the
Southern District of New York
Attorney for Plaintiff

By: Joseph D. Danas
JOSEPH D. DANAS
Assistant United States Attorney
Office and Post Office Address:
United States Courthouse
Foley Square
New York, New York 10007
Tel.: (212) 264-6329

TO: MARVIN SCHWARTZ, ESQ.
243 Waverly Place
New York, New York 10014

10

GPO 1972 O - 474-479

JDD:ets
72-3882

FILED
U.S. DISTRICT COURT
JUL 5 3 08 PM '73
S.D. OF N.Y.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- -x

PETER J. BRENNAN, Secretary of Labor, U.S. Department of Labor,

Plaintiff,

-v-

INTERNATIONAL ORGANIZATION OF MASTERS, MATES & PILOTS, AFL-CIO,

Defendant.

- -x

140a

NOTICE TO TAKE DEPOSITION

72 Civ. 5031 CBM

S I R :

PLEASE TAKE NOTICE that pursuant to Rule 26 of the Federal Rules of Civil Procedure, plaintiff will take the deposition of defendant by Joseph Gaier, before a notary public, or some other officer or person authorized to administer oaths, on the 21st day of August, 1973 at 11:00 A.M. in the forenoon, in Room 329, United States Courthouse, Foley Square, New York, New York. If this deposition is not completed on that date, it will be continued from day to day until completed. You are invited to attend and cross-examine.

Dated: New York, New York
July 2, 1973

Yours, etc.

PAUL J. CURRAN
United States Attorney for the
Southern District of New York
Attorney for Plaintiff

By: _____
JOSEPH D. DANAS
Assistant United States Attorney
Office and Post Office Address:
United States Courthouse
Foley Square
New York, New York 10007
Tel.: (212) 264-6329

TO: MARVIN SCHWARTZ, ESQ.
243 Waverly Place
New York, New York 10014

BEST COPY AVAILABLE

JDD:ets
72-3882

FILED
U.S. DISTRICT COURT
JUL 5 3 08 PM '73
S.D. OF N.Y.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETER J. BRENNAN, Secretary of Labor, U.S. Department of Labor,

Plaintiff,

-v-

INTERNATIONAL ORGANIZATION OF MASTERS, MATES & PILOTS, AFL-CIO,

Defendant.

NOTICE TO TAKE DEPOSITION

72 Civ. 5031 CBM

S I R :

PLEASE TAKE NOTICE that pursuant to Rule 26 of the Federal Rules of Civil Procedure, plaintiff will take the deposition of defendant by T. F. O'Callaghan, its President, before a notary public, or some other officer or person authorized to administer oaths, on the 3rd day of August, 1973 at 11:00 A.M. in the forenoon, in Room 329, United States Courthouse, Foley Square, New York, New York. If this deposition is not completed on that date, it will be continued from day to day until completed. You are invited to attend and cross-examine.

Dated: New York, New York
July 2, 1973

Yours, etc.

PAUL J. CURRAN
United States Attorney for the
Southern District of New York
Attorney for Plaintiff

By: _____
JOSEPH D. DANAS
Assistant United States Attorney
Office and Post Office Address:
United States Courthouse
Foley Square
New York, New York 10007
Tel.: (212) 264-6329

TO: MARVIN SCHWARTZ, ESQ.
243 Waverly Place
New York, New York 10014

JDD:ets
72-3882

FILED
U.S. DISTRICT COURT
JUL 5 3 08 PM '73
S.D. OF N.Y.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETER J. BRENNAN, Secretary of Labor, U.S. Department of Labor,

Plaintiff,

-v-

INTERNATIONAL ORGANIZATION OF MASTERS, MATES & PILOTS, AFL-CIO,

Defendant.

NOTICE TO TAKE DEPOSITION

72 Civ. 5031 CBM

S I R :

PLEASE TAKE NOTICE that pursuant to Rule 26 of the Federal Rules of Civil Procedure, plaintiff will take the deposition of defendant by Robert Nelson, before a notary public, or some other officer or person authorized to administer oaths, on the 7th day of August, 1973 at 11:00 A.M. in the forenoon, in Room 329, United States Courthouse, Foley Square, New York, New York. If this deposition is not completed on that date, it will be continued from day to day until completed. You are invited to attend and cross-examine.

Dated: New York, New York
July 2, 1973

Yours, etc.

PAUL J. CURRAN
United States Attorney for the
Southern District of New York
Attorney for Plaintiff

By: Joseph D. Danas
JOSEPH D. DANAS
Assistant United States Attorney
Office and Post Office Address:
United States Courthouse
Foley Square
New York, New York 10007

Tel.: (212) 264-6329

TO: MARVIN SCHWARTZ, ESQ.
243 Waverly Place
New York, New York 10014

13

JDD:ets
72-3882

FILED
U.S. DISTRICT COURT
JUL 3 3 08 PM '73
S.D. OF N.Y.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETER J. BRENNAN, Secretary of Labor, U.S. Department of Labor,

Plaintiff,

-v-

INTERNATIONAL ORGANIZATION OF MASTERS, MATES & PILOTS, AFL-CIO,

Defendant.

NOTICE TO TAKE DEPOSITION

72 Civ. 5031 CBM

S I R :

PLEASE TAKE NOTICE that pursuant to Rule 26 of the Federal Rules of Civil Procedure, plaintiff will take the deposition of defendant by Robert J. Lowen, its Secretary-Treasurer, before a notary public, or some other officer or person authorized to administer oaths, on the 1st day of August, 1973 at 11:00 A.M. in the forenoon, in Room 329, United States Courthouse, Foley Square, New York, New York. If this deposition is not completed on that date, it will be continued from day to day until completed. You are invited to attend and cross-examine.

Dated: New York, New York
July 2, 1973

Yours, etc.

PAUL J. CURRAN
United States Attorney for the
Southern District of New York
Attorney for Plaintiff

By: Joseph D. Danas
JOSEPH D. DANAS
Assistant United States Attorney
Office and Post Office Address:
United States Courthouse
Foley Square
New York, New York 10007
Tel.: (212) 264-6329

TO: MARVIN SCHWARTZ, ESQ.
243 Waverly Place
New York, New York 10014

14

E

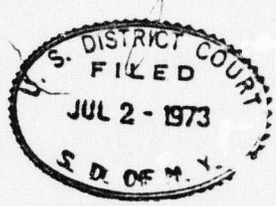
Plaintiff's Request for Admissions

505
72-3882

IN THE UNITED STATES DISTRICT COURT

FOR THE

SOUTHERN DISTRICT OF NEW YORK



PETER J. BRENNAN,
Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS, INTERNATIONAL MARITIME DIVISION, ILA, AFL-CIO,

Defendant.

CIVIL ACTION

NO. 72 CIV. 5031 CBM

PLAINTIFF'S REQUEST FOR ADMISSIONS

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, plaintiff requests defendant within thirty days after service of this request to admit, for the purpose of this action only and subject to all pertinent objections to admissibility which may be interposed at trial, that each of the following statements is true.

1. Defendant conducted nominations for the offices of International President, International Executive Vice President and International Secretary-Treasurer at defendant's convention held July 26-28, 1971.

2. Nominations for the offices of the Offshore and Pilots Divisions were conducted on the respective division levels.

3. Defendant conducted the voting in its regular election of International officers (hereinafter referred to as the International election) by mail ballot during the period from September 21, 1971 to December 22, 1971.

VOL #2

9

4. The mechanics of the International election, including the preparation and distribution of ballots, inspection of membership lists and distribution of campaign literature, and the tally of ballots, were conducted by the American Arbitration Association in conjunction with the International Ballot Committee.

5. The document attached hereto and marked Exhibit A is a true copy of defendant's International Constitution and Laws adopted on October 1, 1970.

6. The provisions of the International Constitution and Laws set forth in Exhibit A attached hereto were in effect at the time of the International election.

7. The document attached hereto and marked Exhibit B is a true copy of the By-Laws of the Offshore Division adopted on October 1, 1970.

8. The provisions of the Offshore Division By-Laws set forth in Exhibit B attached hereto were in effect at the time of the International election.

9. The election for all offices of the Offshore Division was conducted by defendant simultaneously with the election of International officers.

10. The document attached hereto and marked Exhibit C is a true copy of the certification of results of the International election prepared by the American Arbitration Association and dated January 12, 1972.

11. The certification of results set forth in Exhibit C attached hereto represent the official results of defendant's International election of officers.

12. The document attached hereto and marked Exhibit D is a true copy of the official ballot used in the International election.

13. The following persons are presently, and at all times during the International election to date have been, members in good standing of defendant: Lloyd Sheldon, Amos Koonce, Charles Norstrand, Charles A. Hemming, Lawrence A. Burlingame,

Henry L. Nereaux, John A. Moralis, Jr., John Seybert, Victor Soto, Walter J. Anderson, Robert McAlvanah, Nicholas L. LaRocca, Cornelius P. Coyle, George Vance, Jack Ofelt, Jr., and Ashley N. Gordon.

14. The members set forth in Request for Admission No. 13 above protested the conduct of the International election at various times prior to, during and after the balloting.

15. The document attached hereto and marked Exhibit E is a true copy of a transcript consisting of 42 pages entitled "In the matter of the election of officers of the International Organization of Masters, Mates and Pilots, Case No. 1350-0038-71" and dated August 27, 1971.

16. The document attached hereto and marked Exhibit F is a true copy of a transcript consisting of two parts with 91 and 28 pages respectively, entitled "In the matter of the Election of Officers of the International Organization of Masters, Mates and Pilots, Case No. 1350-0038-71" and dated August 30, 1971.

17. The document attached hereto and marked Exhibit G is a true copy of a transcript consisting of 66 pages entitled "Masters, Mates and Pilots Union (IOMM&P)" and dated December 21, 1971.

18. The document attached hereto and marked Exhibit H is a true copy of a one page letter dated December 22, 1971 from Messrs. Koonce, Sheldon, Soto, Seybert, Nereaux, Burlingame and Hemming to the International Ballot Committee, International Organization of Masters, Mates and Pilots.

19. The document attached hereto and marked Exhibit I is a true copy of a one page letter dated December 23, 1971 from Burton H. Hall to the International Ballot Committee, International Organization of Masters, Mates and Pilots.

20. The document attached hereto and marked Exhibit J is a true copy of a four page letter dated December 29, 1971, from Burton H. Hall to the International Ballot Committee, International Organization of Masters, Mates and Pilots.

21. The document attached hereto and marked Exhibit K is a true copy of a two page letter dated January 5, 1972, from Burton H. Hall to the International Ballot Committee, International Organization of Masters, Mates and Pilots.

22. The document attached hereto and marked Exhibit L is a true copy of a one page letter dated January 6, 1972, from Lloyd Sheldon and Charles F. Hemming to the International Ballot Committee.

23. The document attached hereto and marked Exhibit M is a true copy of a two page letter dated December 27, 1971, from Charles A. Hemming to the Ballot Committee, International Organization of Masters, Mates and Pilots.

24. The document attached hereto marked Exhibit N is a true copy of a one page letter dated January 7, 1972 from Captain Robert J. Lowen, International Secretary-Treasurer for the International Ballot Committee to Burton H. Hall.

25. The document attached hereto marked Exhibit O is a true copy of a five page letter dated January 19, 1972, from Burton H. Hall to the General Executive Board in care of Robert J. Lowen, International Secretary-Treasurer, International Organization of Masters, Mates and Pilots.

26. The document attached hereto and marked Exhibit P is a true copy of an undated letter postmarked February 29, 1972, from Captain Robert J. Lowen, International Secretary-Treasurer to Burton H. Hall.

27. The sixteen members set forth in Request for Admission No. 13 properly exhausted all available internal remedies pursuant to the Constitution and By-Laws of defendant.

28. The document attached hereto and marked Exhibit Q is a true copy of the union's publication entitled "60th Convention Newsletter on the Resolution of Affiliation of the IOMM&P with the ILA" which was prepared and mailed by defendant to each of its members, on or about August 19, 1971.

29. The cost of preparation, duplication and distribution of Exhibit Q was paid for with monies received by defendant by way of dues, assessment or similar levy.

30. Defendant expended approximately $1,356.60 for the preparation, duplication and distribution of Exhibit Q.

31. The document attached hereto and marked Exhibit R is a true copy of the union publication entitled "All Constitutional Amendments and Resolutions of the 60th Convention Ratified - Affiliation of IOMM&P as the International Maritime Division of the ILA (AFL-CIO) Affirmed" which was prepared and mailed by defendant to each of its members on or about November 26, 1971.

32. The cost of preparation, duplication and distribution of Exhibit R was paid for with monies received by defendant by way of dues, assessment or similar levy.

33. The Offshore Division is represented on the International Executive Board by three Offshore Division Vice Presidents representing the Gulf, Atlantic and Pacific areas, respectively.

34. Pursuant to Article XIX, Section 2(i) of the Offshore Division By-Laws, the Port Agents of New York and Galveston, by virtue of their election to these positions, automatically became Vice Presidents of the Atlantic and Gulf regions respectively for the transitional term of office.

35. Members of former Local 5, 11 and 14 in the ports of Boston, Baltimore, Philadelphia, Norfolk, Charlestown and Savannah were not permitted to be candidates for and to hold the office of Atlantic Vice President.

36. The members referred to in Request for Admission No. 35 were not permitted to nominate the candidate or candidates of their choice for the position of Atlantic Vice President.

37. The members referred to in Request for Admission No. 35 were not permitted to vote for the position of Atlantic Vice President.

38. Members of former Local 4, 24 and 15 located in ports in the Gulf Coast area were not permitted to be candidates for and hold the office of Gulf Vice President.

39. The members referred to in Request for Admission No. 38 were not permitted to nominate the candidate or candidates of their choice for the position of Gulf Vice President.

40. The members referred to in Request for Admission No. 38 were not permitted to vote for the position of Gulf Vice President.

41. In March of 1970, Local 47, one of defendant's subordinate bodies, voted to disaffiliate in the event that the new International Constitution was enacted. On October 1, 1970, the new International Constitution took affect and Local 47 discontinued per capita payments to the International.

42. The document attached hereto marked Exhibit S is a true copy of a telegram dated January 11, 1971, from Captain Robert J. Lowen, Assistant to International President IOMM&P to all MM&P Offshore and Inland and AMW offices, advising that Local 47 has been suspended from the International Organization of Masters, Mates and Pilots.

43. The document attached hereto marked Exhibit T is a true copy of a telegram dated January 11, 1971, from T. F. O'Callaghan, International President, to Rolla Johnson, President of Local 47, advising that Local 47 is hereby suspended from the International Organization of Masters, Mates and Pilots, AFL-CIO.

44. As of January 11, 1971, Local 47 was officially suspended from the International Organization of Masters, Mates and Pilots.

45. The document attached hereto marked Exhibit U is a true copy of a three page memorandum of mutual understanding between the defendant and Local 47, which is initialed by the respective parties and dated June 22, 1971.

46. The document attached hereto marked Exhibit V is a true copy of a one page letter dated October 29, 1971, from Captain Rolla R. Johnson, President, to Captain T. F. O'Callaghan, International President, International Organization of Masters, Mates and Pilots.

47. Exhibit U made provision for exoneration of Local 47 from all unpaid per capita dues for the period of October 1, 1970 to July 1, 1971

48. The third calendar quarter for 1970 covered the period from July 1, 1971 to September 30, 1971.

49. International dues for the third calendar quarter in 1971 were required to be paid by Local 47 within one month following said calendar quarter.

50. The members of Local Union 47 were in good standing as of September 21, 1971.

51. The members of Local Union 47 were not provided with ballots by defendant for voting in the International election.

52. None of the members in Local Union 47 voted in defendant's International election.

53. The membership of Local 47 at the time of the election was approximately 600.

54. Approximately 750 ballot envelopes were not opened and counted in the International election by reason of the fact that the ballots had not been postmarked.

55. The International Ballot Committee made the decision not to open and count the ballots referred to in Request For Admission No. 54.

56. On September 10, 1971, a permit for business reply mail was issued by the Bronx, New York Post Office to the American Arbitration Association for use in the International election.

57. A trust fund account in the sum of $800 was established by the American Arbitration Association to pay the postage on return mail ballots.

58. The document attached hereto marked Exhibit W is a true copy of the post office Form 25 which was maintained by the post office for the purpose of entering the amount to be charged against the American Arbitration Association's account as mail arrived in the permit envelopes.

59. Ten ballot envelopes which were not processed at the post office because they were handcarried to the bank depository and deposited in the ballot box were not opened and counted in the International election.

60. The document attached hereto marked Exhibit X is a true copy of the voting instructions distributed by defendant to each of its members in the International election.

61. In accordance with the voting instructions set forth in Request No. 60, ballots, in order to be counted, were required to be received in New York no later than midnight, December 21, 1971.

62. Ballots received after midnight, December 21, 1971, were not opened and counted.

63. Nominations for International officers ended on July 28, 1971.

64. Ballots in the International election were dispatched on September 21, 1971.

65. The document attached hereto marked Exhibit Y is a true copy of the By-Laws of Local 88 of the International Organization of Masters, Mates and Pilots as adopted by membership referendum July 6, 1961.

66. Pursuant to Article XIX, Section 2(b) of the Offshore Division By-Laws, the existing election procedures of Offshore Local 88 as set forth in Exhibit Y were in effect at the time of the International election.

67. Victor Soto, Charles A. Hemming, Henry L. Nereaux, Lawrence Burlingame, Lloyd Sheldon, and Amos Koonce were all candidates in defendant's International election of officers.

68. The candidates listed in Request No. 61 are all former members of Offshore Local 88.

69. Candidates in defendant's International election of officers were not permitted to obtain copies of the union's mailing list of members.

70. All candidates in defendant's International election of officers, including candidates for their respective port positions, could inspect the union's membership lists only at the Masters, Mates and Pilots headquarters and at the headquarters of the American Arbitration Association, both located in New York City, New York.

71. The document attached hereto and marked Exhibit Z is a true copy of a letter dated April 30, 1971, from Thomas F. O'Callaghan, International President, to all Offshore Division members of the International Organization of Masters, Mates and Pilots.

72. The document attached hereto and marked Exhibit AA consisting of 10 pages is a true copy of the enclosure referred to in Exhibit Z.

73. Exhibit Z, referred to in Request for Admission No. 71 and attached hereto constituted defendant's official notice of election of International and Offshore Division officers.

74. The document attached hereto consisting of 20 pages and marked Exhibit BB is a true copy of the "Minutes of the meetings of the International Ballot Committee for the 1971 Election of International, Offshore Division and Pilots Division officers."

75. The document attached hereto and marked Exhibit CC is a true copy of a one page letter dated September 8, 1971, from Samuel V. Tannenbaum, election department, to all candidates of the International Organization of Masters, Mates and Pilots.

76. In accordance with Exhibit CC, all candidates for office in defendant's International election, including candidates for all respective port office positions, were required to forward campaign literature to New York for distribution by the American Arbitration Association.

77. In further accord with Exhibit CC, candidates, in order to have their literature distributed, were required to contact the election department of the American Arbitration Association by telephone, before 5 p.m. on Monday, September 13, 1971.

78. The document attached hereto marked Exhibit DD is a true copy of an eight page piece of literature entitled "Bulletin - Members for a Democratic Union", which was distributed to each of defendant's members by the American Arbitration Association.

79. Exhibit DD was distributed by the American Arbitration Association subsequent to November 1, 1971.

80. Defendant utilized membership lists and information as to the last known shipping addresses of members in the distribution of Exhibits Q and R, previously referred to in Request for Admission Nos. 28 and 31.

HARLINGTON WOOD, JR.
Assistant Attorney General

Paul J. [illegible]
United States Attorney

HARLAND F. LEATHERS
Attorney, Department of Justice

Attorneys for Plaintiff

WILLIAM J. KILBERG
Solicitor of Labor

BEATE BLOCH
Associate Solicitor

FRANCIS V. LARUFFA
Regional Solicitor

ROBERT K. SALYERS
Attorney

U. S. Department of Labor
Of Counsel

252a

MR. SCHWARTZ: That's in the constitution, and you know it.

We're not going to participate in this. Burt, you can stay here and fool around all you want.

Unfortunately, the problem has arisen because of the scheduling difficulty. It is understandable. It took us two days to reach you --

MR. HALL: That isn't really so. I promptly talked to the AAA and told them I would be available last Friday and last Monday, before the date. It was at your request it was delayed to today.

MR. SCHWARTZ: In any event, the Ballot Committee, because of the scheduling problems, has not been able to meet. They're coming in on Monday.

I tell you now, Burt, we're going to meet on Monday and we will be glad to hear you, not only with regard to the matter of Koonce but with regard to some of these other matters you have raised, such as lists of membership, and things of that sort. They will rule on that. And then, in so far as this specific matter is concerned, in the event

the Ballot Committee follows the recommendation of the convention, this matter of Koonce will be submitted to Mr. Schmertz.

If, at that time, in the orderly procedure, all the material will be placed forth, we can show in the constitution who has the authority, show the resolution we have, get all the material out, and I think it will be a lot simpler, because you may find some of your problems resolved in the internal machinery in the Union.

MR. HALL: I would like to ask the International: You mean to say you do not have a copy of the resolution referring this to the AAA?

MR. SCHWARTZ: You know how these tiings operate. Don't pull this stuff on me. You can save your cross-examination for the witnesses, not me.

At this point, we ask the matter be adjourned. I don't think there is anything before you.

THE ARBITRATOR: You are not prepared to become a party at this point?

MR. SCHWARTZ: We are a party, of course. I don't think you have the matter before you.

THE ARBITRATOR: You won't participate?

MR. SCHWARTZ: This is not properly before you at this time. The problem is a scheduling problem.

MR. HAROLD: I think the matter should be held in abeyance.

MR. SCHWARTZ: And I would like to come back, if necessary, to you.

MR. HALL: I would like to draw Mr. Schmertz's attention to Article IV, Section 1, of the new International constitution:

"The authority in power of this organization is vested in the members thereof, acting by and through their duly-elected delegates, meeting at convention assemblies. Such convention is the source of all true and legislative authority of the organization and possesses, as such, supreme and absolute power over same and all channels leading thereto. It shall, while in session, have the sole and exclusive power to grant charters --" and so on.

And among others is the phrase "...to hear and determine all appeals and to enact laws and establish regulations to settle grievances from

the subordinate parties or members thereof."

The convention has passed a resolution. I don't think Mr. Schwartz is going to deny that. We do not have a copy of the resolution. However, I tell you and counsel that the substance of the resolution is that this matter is referred for decision by the AAA. The matter was recommended to the convention by the International president, Mr. O'Callaghan, and the convention approved that recommendation, making it a normal act of the convention.

I do not see how Mr. Schwartz can now contend some other body -- the Ballot Committee or another appointed agency, appointed by an individual official -- has some power over the convention and over you as the instrumentality of the convention. You are sitting here with the convention's power wrapped around you, and there is no other force in this Union that is capable of coming in between you and the jurisdictional power to resolve the issue.

THE ARBITRATOR: You say you don't have a copy of the resolution.

MR. HALL: No. But the Union does.

I say this is the substance of it. And I call upon the International, which is present here, to produce that resolution.

THE ARBITRATOR: As I understand, the International Local's position, in substance, is they're seeking a short adjournment of this hearing until shortly after Monday.

MR. HALL: The constitution, I believe, calls for ballots to be sent out within 30 days of the International convention, and the 30 days have transpired. Today is the 30th day, or very close to it. I don't see how we can afford an adjournment. When I say "we," I mean the Union, all of us.

MR. HAROLD: It's a 90-day referendum. The time is not limited --

MR. HALL: The convention placed this obligation. That obligation obviously is not going to be met, specifically because the ballots can't be sent out today.

THE ARBITRATOR: I did not anticipate to be required to make a preliminary jurisdictional ruling on whether we go forward today or go forward on some other day, or whether the matter is properly

257a

before me, or whether the matter is prematurely before me, or whether a ballot committee has to act before it comes here.

I think these contentions would take some time, if I were to hear just the jurisdictional contentions. That's a threshold question I have to decide before I go to the substantive question concerning Mr. Koonce's right or lack of right to withdraw.

As a practical matter, we can handle it two ways: I can hear all of you on the jurisdictional question first, and if I'm required to make a decision as to whether I can go forward with this particular matter, in view of the position of the International and the Local, I would do that. And I obviously can't assure anybody that I can do that right from the bench, as it is.

Secondly, the other possibility is to consider the Union's request for a short adjournment through Monday. They indicated something may happen on Monday which might be favorable to your position.

I haven't looked at my calendar. I don't know how quickly after Monday I can set it down. But, since I'm involved in this, I will make an

effort to do so, so we can be under way as quickly after Monday as possible, with the same issues before me then as now, or with lesser or narrower issues as a result of the action of the Ballot Committee and the possibility, as I understand it -- the possibility the Ballot Committee might act in a manner totally favorable.

MR. HALL: I would like to submit, first, the jurisdictional issue, so-called, is sham, there is nothing in it.

Neither of these two distinguished attorneys has suggested any way in which the power of the convention to authorize, at the convention, or decide it at the convention itself, was subject by a prior position of the Ballot Committee.

Obviously, as the act of the convention -- and I say this quite respectfully -- you have the same power to make a decision as the convention had last July, and obviously the convention had power to do that. The convention would have done that, presumably, but for the quite intelligent recommendation of the International president that it be referred to you, which was accepted.

This last-minute talk about the Ballot

committee as a jurisdictional objection is, as I say, sham. It is brought up for no sensible reason.

THE ARBITRATOR: That may be so, but --

MR. SCHWARTZ: As a practical matter, you'll have other questions, which may or may not have to be decided on. You have a request for a list and requests for having a handwriting expert, and all that kind of stuff.

I had assumed -- and I wanted to tell you that today -- with the committee coming in on Monday, I would assume you want to come in and make your presentation with regard to that.

MR. HALL: I haven't previously been invited.

The difference between those issues, those have not been referred to Mr. Schmertz.

MR. SCHWARTZ: Perhaps they can be resolved. Perhaps the Ballot Committee will decide, if they can't be resolved, rather than resolve them themselves, refer it to the Arbitrator, or they may resolve it themselves and not need arbitration.

My own position is, as I indicated, I don't have anything further to submit in terms of testimony, orally or otherwise. What I will do,

simply, is to forward to you today, or have delivered to you, the constitution you have before you, with a comment or two about where the procedures are, and also send you a copy of the resolution.

MR. HAROLD: May I respectfully suggest, in context, all that is requested is an adjournment, at which point the jurisdictional question may become supercilious.

THE ARBITRATOR: It is either to hear the jurisdictional question now and decide it as quickly as I can or granting a short adjournment, the result of which may be to dissipate the jurisdictional problem.

MR. HALL: The opposition candidates -- and primarily the three opposition candidates for International office -- have been placed at a serious disadvantage this past month, and a week more -- since July 22nd -- by an uncertainty as to whether one of them would be a candidate, it causes, and has caused, a great many more problems to them.

For example, each candidate is allowed a 200-word statement in the election issue, and it is customary for the three candidates to jointly put

261a

out one statement.

These people were placed in the position of not knowing whether one third of their joint statement would be cut out or not. As a result, they broke their statement up into three separate pieces, but it still links one to the other. If the center link, the Koonce link, is going to be cut out of that bulletin, they're, of course, greatly discriminated against and greatly injured. By being placed, for more than a month, as they have already, in a position of not knowing whether this is going to be the position, they are placed at a very serious disadvantage.

It is because I don't want to continue that situation that I'm opposed to an adjournment, as a matter of principle.

MR. HAROLD: Would your calendar suggest availability for next Tuesday?

MR. SCHWARTZ: Or Monday afternoon.

THE ARBITRATOR: Off the record.

(Discussion off the record)

MR. SCAVO: It seems to me the whole question is whether or not Koonce can withdraw. Let's assume the Ballot Committee says he can withdraw,

and assume the other party that's interested -- specifically me, the opposition candidate -- decides I don't think he should withdraw. What's the AAA's position then?

THE ARBITRATOR: You'd better talk to counsel about that. Don't ask me about that.

MR. HAROLD: Let the record be clear -- and I'm very serious about this -- Brother Hall has a habit of saying many things, and we're used to it. I, as counsel to an organization, do not understand the meaning of "opposition candidate." My responsibility is to all the members, and I have exercised it in that manner, and will continue to do so, whether they agree with me or not.

MR. BURLINGAME: I would like to ask Mr. Harold a question, for the record.

Mr. Harold has been -- and I believe he still is -- retained as the attorney for the Port of New York, Offshore Division, formerly Local 88, and I believe he is familiar with our new bylaws and old bylaws and constitution. Has he ever noticed, in the old bylaws or new bylaws or old constitution, any date set forth limiting the time that you are permitted to withdraw as a candidate?

MR. HAROLD: When we get into the merits --

MR. BURLINGAME: Also, are the Port of New York, Offshore Division, elections being conducted under the old bylaws of Local 88 or the new bylaws of the Offshore Division?

MR. HAROLD: First of all, you're calling for judgment questions that are not for counsel to make but for the internal organs of the Union to make.

The primary internal organ, in my opinion -- and before the answer to such questions -- is the Balloting Committee to interpret the constitution in this light. Then those aggrieved will come, as heretofore in many years, to the AAA.

I do not make policy, I do not answer for the International or for the Local. When there is an issue and I am required, as a representative of all the members, to take a position, then it is my duty to do so, and I will do it as I see it.

I don't want to extend this or moralize, but I have taken positions against incumbents, and so state it on the record. My job is to all the members, to do honorably as best I can.

I know this doesn't answer your question,

sir, but I say it isn't in my province to answer for the Balloting Committee.

MR. HALL: If Mr. Harold doesn't want to answer, I will answer.

THE ARBITRATOR: Mr. Hall, that's really not before me at this instant. I am trying to work out some sort of an arrangement which will satisfactorily get this hearing under way, either now or at the earliest moment.

Let me ask the Union: Assuming the Ballot Committee meets on Monday, and you have indicated they will, irrespective of the action of that committee, and Mr. Koonce and his representatives wish to go forward thereafter, can we go forward with this hearing thereafter without any procedural difficulties or procedural disputes or a contention that the Arbitrator is premature in his authority?

MR. SCHWARTZ: It wouldn't be premature. The likelihood of the Ballot Committee not following the recommendation of the convention is pretty remote.

Let me see what we're fighting about. It's not likely they're not going to follow the

recommendation. It seems to me they asked for one and they got one. So the chances are they're going to follow it.

I would say no. The only objection I would raise is that Burt came in and said, "Look, we want to come in here and get some kind of advisory opinion from you." I submit, if we both came in like that --

MR. HALL: We're exhausting our remedies in the Union. This is one of the remedies. It's part of the appeal to the convention. This is not a recommendation of the convention but a resolution of the convention, recommended by the International president. It is preposterous to suggest the International Ballot Committee would repudiate the convention's resolution, simply because it has no power to do it. It is an appointed body.

THE ARBITRATOR: It is virtually a foregone conclusion if the Ballot Committee meets on Monday, as I am told they will, that immediately thereafter, assuming the case comes back to me, there will be no longer a procedural problem and we can then go forward with substantive issues.

MR. HALL: For that reason, I suggest we

go ahead today, since it is quite apparent Ballot Committee will do nothing.

THE ARBITRATOR: Unless the parties are prepared now to waive the procedural matter, if we go ahead today, I am going to first have to consider the procedural question.

MR. HALL: I would ask whether the AAA or anyone was infomred by Mr. Schwartz or Mr. Harold, prior to this hearing, that they would interpose this suggestion to you, Mr. Schmertz, making your decision today.

MR. SCHWARTZ: I don't think they were.

THE ARBITRATOR: They concede the Association was --

MR. HALL: They saved it for the last minute to plot --

MR. HAROLD: Let's stop this. I get nauseous with this.

MR. SCHWARTZ: Let's see what the size of the animal is. The likelihood of anybody keeping Amos from running for the International office is pretty remote. I don't know what the Ballot Committee will do, but --

MR. HALL: The Ballot Committee has no powe.

BEST COPY AVAILABLE

to act on this matter, and you know it.

MR. SCHWARTZ: What we're talking about, then, is the issue of being able to run for two offices and having accepted, and whether or not he does or doesn't stay on the ballot.

I can't possibly -- and I'm frank to tell you that -- see how it would be reasonable for the committee to suggest that he has to stay off the International ballot. I don't find anything in the International constitution, that I have looked at, to keep him off that ballot.

MR. HALL: Why not concede the issue?

MR. SCHWARTZ: You have machinery --

MR. HALL: You are now blocking the convention. You wouldn't allow the Local committee to function.

MR. SCHWARTZ: It doesn't get you anywhere to do this. We'll spend the time just squabbling back and forth.

THE ARBITRATOR: I think this will be more expeditious -- and I'm the least sophisticated person in this room, about what's involved here -- but it seems to me we'll move more quickly if I grant the adjournment and set it down for Monday

afternoon, beginning 4:00 o'clock, here. I have something on until then, and even 4:00 o'clock will be difficult. I am prepared to sit on into the evening, beginning at 4:00, as long as is necessary and as long as you are prepared to stay.

I make that ruling because it appears to me that beginning at 4:00 o'clock on Monday there will no longer be a challenge to my authority, or procedural challenge with regard to hearing the substantive issue.

The alternative, obviously, is, if I go forward today, I am going to have to, because they have raised the procedural question, hear all of you on that. I will have to consider the procedural question first, and I'm going to have to make a ruling on the procedural question first, before I can get into the substantive issue, and I'm not sure at all that that can be done either now or over the weekend or before 4:00 o'clock on Monday.

It seems to me, if we go forward at 4:00 o'clock on Monday with the recognition and understanding that there will no longer be a procedural question at that time, this entire proceeding will move much more expeditiously.

MR. HALL: I can appreciate your approach to the matter, and I think there is a great deal to be said for it.

I think, however, you have already heard the position of both sides, and I think the only thing remaining is for the International to produce that resolution. If it disagrees with what I have said is the substance of it, that's it. Because if that resolution says what I have told you it says, I think you will agree that it places the power on you, no matter how many balloting committees somebody may appoint, you have the power of the convention to decide this issue for the Union.

If Mr. Schwartz and Mr. Harold want to tell you what I said is wrong, they should say so and have an opportunity to show it is wrong by producing the resolution. Otherwise, I don't see a procedural question.

MR. SCHWARTZ: I will send it up and send some comments up with it.

I'm sorry this matter came up the last minute. But just like you've been occupied, other people have been. There has been picketing in Miami, Puerto Rico, and I've been in several courts, too.

And I would have much preferred to tell you this initially, but it's just one of those things that happened. I am sorry to tell you this now. Frankly, I had thought we would work the scheduling out a little differently, but it is just one of those things.

MR. SCAVO: Mr. Schmertz, earlier, one of the men across the table made a remark perhaps they want any favoratism shown by the AAA. My name was mentioned. In other words, in a previous arbitration, in '68, the man said we wanted the same consideration the incumbents got, and so forth and so on, and this guy and that guy and Scavo.

Just for the record, I want to say in 1968 I was involved in that arbitration, right here, and at that time I took the position against the incumbent that,once he had accepted, he had no right to withdraw. So he's wrong in his statement, or he doesn't have a good memory or something.

MR. BURLINGAME: Mr. Schmertz, as counsel for the International, Mr. Schwartz stated he would like to have an adjournment until after such time

as the International Ballot Committee can meet and solve some of these problems we have before us now.

The convention has been adjourned almost a month now. They have had one month in which to meet. I called the International president's secretary the other day and she told me they only had one short meeting and that was at the convention. If these ballots were to go out, as counsel for the International mentioned a while ago, within a few days, that doesn't give us very much time to work, and if he wants to set up a meeting for Monday afternoon, it will take the Balloting Committee at least two days to go through the records of the candidates and certify them.

We have never received a notice from the International officials or from the International BAllot Committee that any of the candidates have actually been certified.

MR. SCHWARTZ: Yes --

THE ARBITRATOR: We have an administrative problem.

MR. BURLINGAME: I think we should continue with this. I find nothing in the Inter-

national constitution that gives the International Balloting Committee the authority to act on matters which are coming up here today, other than merely certifying to candidates eligible to be candidates for office.

THE ARBITRATOR: Any other statements?

MR. SHELDON: Speaking in opposition to any delay in this matter being adjudicated by you, Mr. Schmertz, I want to bring up something which able counsel for Mr. Koonce has brought up, and that is the very pragmatic and practical question of campaign literature. If, in your wisdom, you decide to go along with the representatives of the International's request and delay your final acting on this, I wonder if you can be so kind as to get a commitment from the representatives of the International that those ballots are not going to go out until Mr. Koonce and the people and myself, running as a team, have ample time to get our own literature lined up together. Because I would certainly start swinging a big club, whatever club I could get anyplace, if the ballots were to go out Monday or Tuesday and me and my colleagues weren't able to get our literature out through whatever

means are available to us.

THE ARBITRATOR: Captain, how can the ballots go out until I decide whether Koonce is on or off the ballot?

MR. SHELDON: That isn't the point I made. I made the point of a fast shuffle, where you make your decision and the next day I go to my mailbox and find a ballot.

THE ARBITRATOR: Any problem with Capt. Sheldon's request?

MR. SCHWARTZ: That is not before you, and I'm not going to enlarge this situation. Lloyd claims he got a fast shuffle even when he was the International president.

MR. SHELDON: I sure do.

MR. HALL: I would like to raise one point, which deserves more attention.

The International Balloting Committee has no authority over the Local. The issue directly before you is whether or not this man nominated as a candidate for Local office may withdraw his nomination for Local office.

The question that's going to confront the International Ballot Committee is whether this man

may accept nomination for International office.

I would assume the International Ballot Committee will say on Monday: "We can't decide the question until Mr. Schmertz decides whether he can withdraw from Local office." This pingpong ball will go back and forth between the International Ballot Committee and the AAA. That's what seems, to me, the --

MR. SCHWARTZ: No, that's not right.

THE ARBITRATOR: If the International Ballot Committee does what you suggest, then there is no question about my authority to decide immediately the substantive question as to Mr. Koonce withdrawing.

MR. HAROLD: Obviously no ballots can go out until they have exhausted their procedures.

THE ARBITRATOR: Anything else?

MR. KOONCE: I am not going to be a candidate for the executive assistant port agent. I refuse to be a candidate for that position.

THE ARBITRATOR: That's the Local.

MR. KOONCE: Yes, the Local.

Under no circumstances is my name to be put on a ballot as running for this position, re-

gardless of whatever body makes a decision. It is my right to withdraw. There is nothing in any rules I can find which says I cannot withdraw, and there is no deadline set by any ballot committee, New York Ballot Committee, giving a deadline for that.

A notice was posted for them to meet. They did not meet. The purpose of that meeting was to have a motion setting a deadline for withdrawal of an acceptance or a person withdrawing himself as a candidate.

I repeat again, that I shall not be a candidate. I won't run for the office, for the executive assistant port agent of New York.

THE ARBITRATOR: Because I want to get to that issue as quickly as possible, because of that, I have granted the request for a short adjournment until Monday, at 4:00 o'clock.

Let me make it clear again why I'm doing it: If I do not do it, we will be involved today with the procedural question, regardless of your positions, whether sham or substance to it, but I have no choice but to hear the procedural issue. That would consume all or a portion of today. I would then have to study the issue.

EXHIBIT E

I make no guarantee I can make a decision of it over the weekend or by Monday. I'm entitled to take more time, if I find it necessary. Therefore, an adjournment until 4:00 o'clock Monday, at which time there is no longer a procedural dispute before me but only the substantive issue, is not a loss of any time. Indeed, it may even expedite the procceding.

For that reason, in the interest of getting to the substantive problem confronting the parties -- namely, whether Mr. Koonce can lawfully withdraw as candidate for Local office, as he wishes to -- I am granting the adjournment until 4:00 o'clock on Monday, August the 30th, here at the Association; and I'm prepared to sit on into that evening -- as long as is necessary and as long as you wish me to.

MR. HALL: Before we close, I would like to point out, Mr. Schmertz, this jurisdictional issue is not only sham but doubly sham.

THE ARBITRATOR: I don't think I have to hear any more on that. You have made the statement.

MR. HALL: I want to mention a thing I

have not mentioned: The New York branch, Local 88, in addition to the International, has retained the AAA to run the election. Even if there had been no appeal to the convention, International convention, the AAA would have to decide the question of eligibility of a man to withdraw--or permission or right of a man to withdraw from Local nomination. The International Ballot Committee would never, under any circumstances, have any authority in that question. The International Ballot Committee has authority only as to International elections. There is an International election going on, and Mr. Koonce is involved with it. But the International Ballot Committee, their functions relate to that election, but the question here is simply the certification and withdrawal of candidates for Local election. And, with regard to that, the International Ballot Committee has nothing to say whatsoever; only you have to say something with regard to that -- not only because the convention referred that to you but the Local has placed the running of the Local election here.

To bring in this outside body, the International Ballot Committee, is simply preposterous.

THE ARBITRATOR: We are adjourned until 4:00 o'clock on Monday afternoon.

- - - - -

I hereby certify that the foregoing is a true and accurate record of the proceedings.

Herbert H. Prokop

AMERICAN ARBITRATION ASSOCIATION

IN THE MATTER OF THE ELECTION OF OFFICERS OF THE INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS.

Case No. 1350-0030-71

August 30, 1971
2:00 p.m.

140 West 51st Street
New York, New York

ROBERT H. NELSON,

Chairman.

BEST COPY AVAILABLE

PROFESSIONAL REPORTING SERVICE
132 NASSAU STREET
NEW YORK, N. Y. 10038
227-0033

APPEARANCES:

MARVIN SCHWARTZ, ESQ.
243 Waverly Place
New York, New York

BURTON H. HALL, ESQ.
401 Broadway
New York, New York

PRESENT:

For the American Arbitration Association:

MRS. MARGARET CARLSON
MR. SAM TANNENBAUM

AMOS KOONCE

LAWRENCE BURLINGAME

VICTOR SOTO

HENRY NEREAUX

LLOYD SHELDON

ROBERT H. NELSON

LESTER REYNOLDS

JOE VALENSI

PRICE MITCHELL

G. EISENHOWER

MOE WEINSTEIN

KEN CAMISA

JOSEPH GAIER

FRANK SCAVO

BEST COPY AVAILABLE

CHAIRMAN NELSON: The meeting is hereby called to order.

MR. HALL: I am asking Mr. Schwartz whether the International balloting committee has jurisdiction over the election of the New York branch of the offshore division and if so where he derives that authority.

MR. SCHWARTZ: Burt, that is the way it's being handled.

In the notice of election that went out part of the consideration was just how everything was going to function in terms of the local ballot committee. There is no direct authority for it in the International constitution and we felt that this would be the most expeditious way of handling it. People take off and go to sea and it was felt that any of the problems that you had could be directed to this committee and using the International agency you could make the appeal to the agency. In this way, you would have a uniform system and it was a question of judgment.

MR. HALL: The first question that confronts us is the situation Mr. Keonce--

MR. SCHWARTZ: There seems to be another

issue insofar as the American Arbitration Association is concerned and I think this should be the first issue. The issue being a challenge as to why the AAA was chosen. The Association apparently feels that they want to hear something about it, the Association being the Association represented here.

MR. HALL: I believe Mr. Soto stated his reasons in his letter.

Is there anything else you would like to say, Mr. Soto?

MR. SOTO: I would like to--

MR. SCHWARTZ: Is this on behalf of all the candidates?

MR. SOTO: No, this is for myself.

MR. SCHWARTZ: Let me get your letter in front of me.

MR. HALL: Mr. Soto, go ahead and speak your point of view.

MR. SCHWARTZ: This is on behalf of Mr. Soto.

MR. SOTO: It is my contention that the procedures that are going to be used in this election was that the local 88 by-laws would be in effect

and that the impartial agency would be selected by the membership as a whole or the ballot committee. The local ballot committee would then submit it to the membership and the membership would either rule it out or have it done. I would make the challenge that the membership body as a whole wasn't afforded this opportunity, I wasn't afforded this opportunity to give my reasons why I am against the American Arbitration Association as the impartial agency. At this point, I don't think it's relevant to this case or this body why I don't want the American Arbitration Association. But, I still take exception and I object and also protest to the matter in which this election is now going to be conducted. At such time as I see fit I will present or I will use the proper channel and I will make my reasons known.

MR. SCHWARTZ: Burt, do you have anything else?

MR. HALL: In the Local 88 by-laws so far as I recall, I don't have the section here, it should have been an opportunity, I believe, for the membership to have passed on this selection of an agency. Now, Triple A has been selected and it

is my belief or understanding that numerous people have criticism of it without my saying whether those criticisms are well founded or not, it just seemed to me that that procedure should have been to enable the membership to consider, to determine which agency shall be used rather than have it given to them.

MR. SCHWARTZ: Actually, part of the reason for selecting or certainly a good part of the consideration of selecting or recommending the American Arbitration Association was that it was the thinking of the Convention that they had in the past been connected with elections under difficult circumstances and it seems to be that it would be something that the membership reputedly requested.

We thought we were ahead of the game on that story.

Do you think I ought to read into the record the letter that Mr. Soto addressed.

MR. HALL: You can attach it to the transcript. I suggest that you attach it to the transcript because there are copies available and maybe everybody can read it. I have a copy

and you can pass around some more.

MR. SCHMITZ: There is one part that I want to make sure is put in. If there is a challenge on the basis of fairness or being dishonest that they don't conduct fair and impartial elections, certainly we would like to hear that. If the challenge is basically that under the local constitution you feel that Local 88 balloting committee should have had the right to select the agency, that's something else, again.

MR. HALL: I think I can answer that and at the same time raise another question that has been raised in the past.

The constitution clearly states in the by-laws of the offshore division of Local 88 that this election should be governed by the 88 by-laws New York branch election and the other branch elections should be governed by their local by-laws. The membership had the right to choose and pass on the selection of an agency and they were denied this right. Similarly, there was a question under the Local 88 by-laws that the membership should elect their ballot committee. I raised this question. Captain Holdeman and I raised

this issue by letter of March 16 addressed to Capt. O'Callaghan asking specifically when the nominations for officers were going to be and when the election of a ballotcommittee was going to be because there seemed to be a conflict. I pointed out that it was important that rank and file members of this union know simply because it would be necessary to be on the beach in order to take part in this.

This letter was not responded to until I received a letter dated June 1 and the letter was simply a covering letter which didn't answer either question asked by Captain Holdeman--

MR. SCHWARTZ: Let's have it marked.

(Document, letter dated August 22, 1971, to Manager-Elections, signed by Victor Soto, was marked Joint Exhibit 1, in evidence.)

(Document, letter dated March 16, 1971, to Capt. Thomas O'Callaghan from Arthur Holdeman, was marked Joint Exhibit 2, in evidence.)

(Document, letter dated June 1, 1971, from Marvin Schwartz to Burton Hall, with duplicate attachments, was marked Joint Exhibit 3, in evidence.)

MR. HALL: It seems to me in both instances

the membership was denied an important right guaranteed by the by-laws to govern its elections and determine the rules for its elections. The denial of this right is a serious matter and we appeal from it in the same way.

Mr. Koonce, whose case comes up here today, was denied the right to have his application for withdrawal as a candidate in the New York branch election even passed upon by the ballot committee. He made his application to withdraw to the local union, a letter addressed to Captain Frank Scavo. It was never passed upon by the ballot committee. Instead by letter of July 22nd, 1971, Mr. Gaier wrote to Mr. Koonce with a copy to myself as well as to Captain O'Callaghan and to Mr. Schwartz denying Mr. Koonce's application to withdraw.

MR. SCHWARTZ: Can we have these marked, please.

MR. HALL: I think it would be well to submit both these letters.

MR. SCHWARTZ: Burt, rather than characterize the letter I think we can read that letter into the record very quickly.

MR. HALL: We can attach it.

MR. SCHMANTZ: The letter of July 22nd addressed to Mr. Koonce that's in reply to your letter of July 17th addressed to Captain Frank Scavo who is on vacation.

"Please be advised that we are unable to comply with your request and if your attorney, Burton Hall, has any questions concerning this matter, please have him contact the International."

It lists my name and address and phone number.

The other letter of July 17th was Mr. Koonce's letter to Captain Scavo.

How do you want to characterize these?

MR. HALL: I think we should have them all as Joint exhibits.

(Document, letter dated July 17th, 1971, from Amos E. Koonce to Frank Scavo, was marked Joint Exhibit 4, in evidence.)

(Document, letter dated July 22nd, 1971, to Amos E. Koonce from Joseph B. Gaier, was marked Joint Exhibit 5, in evidence.)

MR. HALL: I think it would be well to

turn to Mr. Koonce.

MR. SCHWARTZ: The committee has to pass upon this. We have another room right next door so either way you want to so that we can rule on this and we can take your appeal on this issue.

Do you want to use the room next door?

(A short recess was taken.)

CHAIRMAN NELSON: The committee has heard Victor Soto's challenge about the American Arbitration Association conducting this election and we have denied this challenge.

MR. HALL: Does the same hold true as to the appeals on the other two questions that I raised, the failure of Local 38 nominating committee--

MR. SCHWARTZ: What was that again?

MR. HALL: The failure to turn the election over to Local 38 ballot committee.

CHAIRMAN NELSON: Yes, Mr. Soto's request is denied, all of your requests are denied.

MR. HALL: With regard to Mr. Koonce's application to withdraw from Local nomination I would mention that he took an appeal from Captain Gaier's refusal to the International convention at that same International convention he was not

nominated to the post of International vice-president.

MR. KOONCE: Yes, that's right.

MR. HALL: The convention referred the question, his question of local nomination, to the Triple A for determination.

MR. SCHWARTZ: You read it so you can see it then.

MR. HALL: I have been handed pages 284 and 285 of the convention's minutes.

The question of Mr. Koonce's withdrawal although not correctly stated was raised by the secretary. There was an error in the transcription of this convention.

MR. SCHWARTZ: I don't think so, Burt.

MR. HALL: It isn't important. It was Captain Valenzi who is sitting here. These two questions were brought up and they are recorded on page 285. President O'Callaghan is quoted as saying:

"As your chairman I would like to recommend to the committee to the convention that rather than make it a ruling here that this be given to the arbitrator and the American Arbitration

Association to make a decision which would be final and binding on both parties. Captain Seriano then moved and the body followed and the suggestion was adopted by the convention."

MR. HALL: With regard to the binding language or the language which refers to a matter being binding, I would mention again that Captain Koonce is here seeking to exhaust all reasonable remedies available to him within the organization. He, of course, does not waive any rights he may have at law thereof. He simply is seeking in good faith to use all of the machinery available to him in the hope that this question can be resolved satisfactorily within the organization itself.

MR. SCHWARTZ: I would like to mark this now. This is a photostatic copy of pages 284 and 285 of the minutes of the past International convention that was held in Galveston, Texas.

(Document, photostatic copies of pages 284 and 285 of the minutes of the International Convention, were marked Joint Exhibit 6, in evidence.)

MR. HALL: It has been the custom and practice both of Local 88 and the International union to permit persons who have been nominated

from office to withdraw from candidacy.

This has been carried out both in the Local union election and in the International elections. Specifically, with regard to the 1965 election conducted by Local 89.

The question was raised by Mr. Pollocheck who had been nominated for Local office as a candidate for president.

He submitted a letter asking to withdraw from candidacy, I believe after the ballot had been printed with his name on it. Nevertheless, the question was approved. He was permitted to withdraw.

Similarly, in the 1965 International election, Mr. Price Mitchell, who is with us today, had been nominated for the office of International vice-president. Subsequently, he advised the International ballot committee that he wished to withdraw. The International ballot committee approved. Specifically, on the bottom of the first page of the minutes of the International ballot committee for 1960, there appears this paragraph.

It says that Brother Price Mitchell upon granting of permission to appear before the committee

declared that although he had sent in his letter of acceptance of nomination to the office of International First Vice-President he no longer chose to run for this office and requested that his name not appear on the ballot as a candidate. The committee considered this a reasonable request and informed Brother Mitchell that he could withdraw his letter of acceptance and that his name would not appear as a candidate for the office of International First Vice-President in the current election.

Now, Mr. Koonce was nominated in I believe June of this year at a time when it was difficult for rank and file members to tell who would be candidates for a particular office and who would not. The very fact that this is a maritime union makes it extremely difficult for rank and file members to keep in touch with each otherand to be sure whether a particular person will be a candidate or not.

Officials, of course, are not burdened in that manner. Mr. Koonce accepted the nomination and then on July 17th long before the ballots were to be printed, submitted his withdrawal from nomination which is attached to the transcript.

The withdrawal makes it very clear that he seeks not to be a candidate for local office. I believe that a notice was posted calling for a meeting of the local ballot committee for July 26th to pass on this question but the meeting never occurred and instead on July 27th, the day before that, Mr. Gaier tookit upon himself to reject the withdrawal of Mr. Scavo. Koonce

MR. SCHWARTZ: Burt, you mean you are talking about the Joint exhibit.

MR. HALL: I am talking about the letter from Captain Gaier.

MR. SCHWARTZ: Whether he took it upon himself to reject it or not, it depends upon how you read the letter, that's Joint Exhibit 5.

MR. HALL: I would submit that that question can be easily resolved and must be resolved in favor of Mr. Koonce. It has been the practice of the union to permit such withdrawals. It is reasonable to permit such withdrawals and Mr. Koonce should not be denied this right to withdraw.

MR. MITCHELL: May I say something. I will refrain on voting or that matter because I am one of the parties involved.

BEST COPY AVAILABLE

CHAIRMAN NELSON: Please address your remarks to the Chairman.

MR. HALL: I think we advised the committee that we met before the Arbitrator last Friday on this question. However, at the request of the International the hearing was adjourned until this afternoon, so that the International ballot committee could pass on the question first.

(A short recess was taken.)

CHAIRMAN NELSON: We are back in session.

The committee has listened to Brother Koonce's appeal and we have decided unanimously, one member abstaining, to permit the appeal. His name maybe taken off the Local 83 ballot and he may run as an International officer. This we hope is to be without precedent and certainly not to be used as a device in the future, a device in which you can withdraw at the last minute for your own political expediency of someone else.

MR. HALL: While we are on the subject, I'd like to record the fact mentioned that the meeting on Friday, and I thin kthis should be said in the presence of the committee, as well, that the uncertainty as to whether Mr. Koonce would be an

International candidate has handicapped the opposition considerably in putting out of literature and most seriously in the preparation of the statement that will appear in the special election issue that will be published by the International.

The International constitution or by-laws permit every candidate to have a 200-word statement printed. It has been the custom for candidates to put their statements in jointly.

For instance, the three candidates who are presently incumbent International officers put out a single statement of several paragraphs. It had been the desire of the three opposition candidates to avail themselves of the same opportunity but since they weren't certain whether Mr. Koence was going to be a candidate and therefore have his name and statement in the book, they were forced to break up their statement into three separate parts. They did it of course by linking but nevertheless they were damaged to that extent. I put that before the committee. I raise it at this time pro forma. I raise it as an appeal question on the ground that these three candidates feel they were injured and their competitive advantage

as candidates because they were subject to this uncertainty for a period of a month or a month and-a-half while their opponents were able to proceed without such uncertainty and handicap.

MR. SCHWARTZ: Hopefully, it's been resolved now in a way that's satisfactory to you.

MR. HALL: I raise it as an appeal and I don't think the committee wants to meet on it.

Now, I'd like to raise a number of other questions which I have raised by letters addressed to Mrs. Carlson dated August 21st. One of these letters deals with the New York branch election and the other deals with the International articles.

I believe these letters are available to the committee. I would hope that we will append these to the transcript, also. I only have one copy of these with me. I assume there are more copies.

MR. SCHWARTZ: Can we take the 88 one first so that we can finish them?

MR. HALL: The first issue raised in the Local 88 with regard to the 88 election is the availability of a certified list of members.

Now, Article 5, Section 5 of the Local 88 by-laws of the Local 88 constitution and by-laws

which is on page 96 of the printed book states in relevant part as follows:

"A certified mailing list of all members of Local 88 shall be made available at cost to all candidates, provided, however, that any postage charges shall not be billed to this organization."

Now, it has been the practice of Local 88--

MR. SCHWARTZ: Burt, is this on behalf of all the people who are here today?

MR. HALL: That's right.

MR. SCHWARTZ: So why don't we just name them.

MR. HALL: These are all the candidates for Local 88 who are here today. Henry Noreaum, Victor Soto, Lawrence Burlingame.

MR. SCHWARTZ: On behalf of anybody else, do you want to mention anybody else?

MR. HALL: Seybert, John Moralis, William Sorrentino, James Clifford, Charles Hemming.

MR. SCHWARTZ: Sorrentino, Moralis, Hemming, and who else?

MR. HALL: Seybert. Also, the others who

are present. That is, Bureaux, Soto and Rooney.

I have in my office a mailing list which I believe is dated 1962 of Local 83. I have in an envelope which is provided by Local 83 to a member, it was provided to a member by Local 83 in accordance with that very provision of the by-laws. It was provided to all candidates in those elections and it was recognized as a right that a candidate have a right to have a certified mailing list.

I have also in my hand the minutes, excuse me, not the minutes; it's a letter addressed by Frank Scavo as secretary-treasurer of Local 83 to Mr. W. Sorrentino, which refers to the question of mailing rights. It is July 29th, 1965 and the letter by its reference makes clear that this clause in the constitution is recognized by Mr. Scavo and by the local to give the right to all candidates to have that certified mailing list specifically starting with the three parts of the bottom of the first page of that letter. I'd like to read it.

"That to protect the union membership list from indiscriminate and widespread unauthorized direction all candidates in

current elections should agree to waive their right to certified copies of the mailing list and agree not to request such a list."

The letter then proceeds to make request that members do this but the letter is available to you gentlemen and it clearly recognizes throughout that this is a right which a member has unless he waives it or a candidate has unless he waives it.

It has been so recognized up until very recently and even where the Local incumbent Local official sought not long ago to deny that right they still conceded that the right of members to inspect at their leisure and to the full extent of their desires a certified list although they undertook to deny actual ownership and possession of such a list to the candidates.

I submit that the Local 88 by-laws are clear and the interpretation can be recognized by everyone concerned as the proper interpretation. In the early days I note that it was by membership referendum in 1961 that their interpretation is correct, the correct interpretation. It was the interpretation that was understood by the membership at the time that this constitution and by-laws of

Local 88 was approved and to deny candidates this right guaranteed in this constitution and by-laws is a serious violation of any fair election procedure.

Therefore, I say on behalf of all these Local 88 opposition candidates that they are entitled to have a certified list of all members of Local 88 and our New York branch of the offshore division. That's my point.

MR. SCHMITZ: Burt, the problem is, is exactly what that section means and the part of the section that raises the question is what the words shall be made available means particularly when it's part of the section that has as the last phrase that any postage charges shall not be billed to this organization.

A number of the members of 88 apparently expressed a considerable opposition to the list being delivered physically into the possession of candidates.

The matter actually came up for arbitration while you were having one of the elections, local elections, supervised by the Triple A, and at that time according to the record that we have the decision was made by the Local executive board

that the provision did not require the delivering of the list. Then there was a membership meeting and that matter was brought before them and they indicated that they didn't approve of the list being delivered and the feeling was that the way to handle the problem was to permit an equal mailing procedure. I think it was John Harold that went before the arbitrator and the arbitrator considered the matter and at that time he ruled that they were not entitled to the physical possession of the list but that they were entitled to inspect the list and make sure the list was accurate.

I think that reasonably points it out but in any event we do have the statement and the findings of the Arbitrator, dated September 26, 1967, which shows Harold as counsel for Local 30 and you as counsel for Arthur Holdeman and others.

So, the final conclusion as I understand it was that in this case it was the opinion of the arbitrator that the position of the Local was sustained, which was against giving the candidates absolute right to inspect the list, to study it, to make notes concerning it, to verify the eligibility of any member, and mail out election material.

On the other hand, he did, it seems to me, make provision in it so that you would have an opportunity to inspect the list and that is really all that the statute requires. You know yourself that specifically the question of whether or not you could get possession of the list, physical possession, was debated in Congress and a lot of people raised the question of the privacy of the list. It was felt the way to do it was to inspect the list and to have equal arrangements with respect to mailing.

MR. HALL: As you will recall, the transcript of that hearing will bear out three points. Neither I nor Captain Holdeman nor other persons I was representing agreed to permit Mr. Scheiber to rule on this question. We maintain that the question was, the language of the by-laws, was unambiguous. We denied the right or the power of Mr. Scheiber to rule on the question. We did not commit it to him and we denied his right to rule.

I would like secondly to point out that this question has been taken to the U. S. Department of Labor for a ruling.

I have a letter of August the 14, 1967,

addressed to William Sorrentino, signed by Ben Kumoff, who was the original director of what was then called the Office of Labor Management and Welfare Pensions. That agency is now known as the Labor Management Services Administration.

I like to read into the record the last two paragraphs of that letter.

"With respect to the labor organization's constitution and by-laws, Section 401E requires the election shall be conducted in accordance with the constitution and by-laws of such organization insofar as they are not inconsistent with the proceedings of this title."

An examination of the constitution and by-laws on file in the New York area office indicates that Article 5, Section 5 covers the question of eligibility lists. This article states:

"A certified mailing list of all members of Local 80 shall be made available at cost to all candidates."

The next paragraph passes on this language.

"It would appear that you, as a bona fide candidate for a constitutional office, are entitled to a certified copy of the eligibility

membership, unless this section as altered or modified by procedures set forth in the constitution and/or by-laws."

MR. SCHWARTZ: Off the record.

(Discussion off the record)

MR. SCHWARTZ: I think the record of what's transpired with regard to this question is pretty plain because you have got documents and we have other documents subsequent to that.

I am sure you have two as I understand Ben Numoff's letter and ruling which then came before the executive board of 83 and they felt that the list should be confidential and that no candidate should be entitled to physical possession of the list and subsequent to that at the meeting of the membership they upheld that position as to the interpretation of what they meant.

MR. HALL: A membership meeting in which a small number of people were physically present. I object to that and I would suggest that a membership meeting of 25 people certainly cannot overrule a decision of the majority of the membership.

MR. SCHWARTZ: The problem is the interpretation of the language.

I grant you that what Ben Numoff said is accurately recorded by you in his letter. The issue was interpretation and I think this is what the Arbitrator relied on heavily.

MR. HALL: I would like to point out for the record that this action as taken back to the [illegible] Services Administration or as it was then called, the Office of Labor Management and Welfare Pension, records, last year, by Mr. Soto and I have here in my possession a letter of July 15, 1970, from Leonard J. Lurie, who is director of that office in Washington. The letter states that an investigation was conducted pursuant to Section 601 of the Act, the Act being the Labor Management Disclosure Act of 1959 and Mr. Lurie's lawyer who conducted the investigation disclosed that Local 88 has failed to follow its own internal procedures, as indicated below.

One: In violation of its own constitution and by-laws Local 88 did not count ten eligible ballots and did not provide a copy of the membership list to you (although this was not discriminatory), and I will stop reading there.

The letter concludes, however, that in my

be determined after consulting with the solicitor of labor that these violations could not have affected the outcome of the election and we are therefore closing our file on this case.

I would submit that this letter records the fact already observed which is the failure to provide a copy of the membership list to the candidates upon demand as a violation of Local 88 by-laws and is recognized by the Department of Labor as a violation and therefore is recognized as a violation of the Federal Law insofar as the Federal Law requires that the labor organization comply with its own by-laws in an election.

I am ready to submit the letter into evidence.

(Document, letter dated July 15, 1970, from Leonard Lurie to Victor Soto was marked Joint Exhibit 7, in evidence.)

MR. HALL: I think it's obvious and clear that the meaning of the Local 88 by-laws on this point is what I have said. It's clear both from the early interpretations of that by-law which have persisted for the first six or seven years and were recognized as correct by everyone

concerned for the first six or seven years after the membership adoption of the by-laws.

Finally, this interpretation was recognized as correct by the membership when it was adopted and it has been repeatedly recognized as the correct interpretation by the United States Department of Labor that agency specifically was in the Department of Labor which has the duty under the law of overseeing the correctness of election procedures.

Even Mr. Schwartz in his unauthorized opinion on the subject has recognized and conceded that it has been as of that time the consistent practice and interpretation of the local union on that by-law that a candidate was entitled to a certified copy of the by-laws and thereby entitled to actual possession of that certified copy.

It seems that that position is unchallengable. It is the law as both Mr. Lurie and a number have indicated. As I reported earlier, I have actually had a list in my possession which was so provided to a candidate a year or two after the actual adoption of this constitution. I believe it

was in '62. Now, we have a request to inspect the list. I believe that the candidate who specifically requested it was Mr. Sheldon.

I submit that this committee has failed to observe such request made with regard to Local 88 elections.

MR. SCHWARTZ: Off the record.

(Discussion off the record)

MR. SCHWARTZ: The question of convention delegates in which the matter of convention delegates for Mr. Koonce has been discussed off the record.

What is the position Mr. Koonce takes on that?

MR. HALL: I think Mr. Koonce can answer that.

MR. KOONCE: I don't want to be convention delegate.

MR. HALL: I think he wishes to withdraw from that.

MR. SCHWARTZ: When was that request made?

MR. HALL: Just now.

I would suggest that it is not appropriate

319a

to remain as a candidate for convention delegate and I think the ruling, I believe the ruling made by the committee which says that he should be recognized as a candidate for International office and accept his withdrawal from the candidacy for local office, it seems to me he should also withdraw as convention delegate.

CHAIRMAN NELSON: He could be International officer and convention delegate.

MR. HALL: He has the right to run for both.

Do you want to avail yourself of that?

MR. KOONCE: No.

MR. HALL: He wishes not to avail himself.

CHAIRMAN NELSON: Is he making a formal request?

MR. GAIER: Maybe I want to withdraw.

CHAIRMAN NELSON: We will have a meeting on it. Would you like to state your reasons for withdrawing or asking that your name be withdrawn as convention delegate?

MR. KOONCE: Because I don't think that any elected official should be a delegate at the convention. I think the convention should be

rank and file members.

CHAIRMAN NELSON: That's your reason?

MR. KOONCE: Yes.

CHAIRMAN NELSON: We will consider it as a committee.

MR. HALL: I would consider it for the reasons indicated before especially since the ballots have not yet been printed. That was what Mr. Gaier, who raised the question, said, that what if he wanted at this time to withdraw. I would say that he would be permitted to withdraw at this time, too.

MR. GAIER: That's your opinion.

CHAIRMAN NELSON: All right, we will retire at this time to decide this question.

(A short recess was taken.)

CHAIRMAN NELSON: The committee is reconvened. We are on the record. Mr. Koonce, the committee considered your question to have your name withdrawn as a candidate for convention delegate and we concluded that inasmuch as you accepted both for convention delegate and officer of Local 88 at the same time that your request be denied.

MR. HALL: On the question of the mailing

312a

list, I believe I covered what I wanted to say. It seems to me then equivocally that the Local 88 by-laws do require that any candidate be given a certified copy of the mailing list for his use as a candidate and we appeal from the failure of the New York branch to provide candidates with that list.

MR. SCHWARTZ: Okay, your turn.

(A short recess was taken.)

CHAIRMAN NELSON: The meeting is back in session. We are on the record. The committee feels that the mailing is of such a confidential nature that it should not be given to anyone, that is, physical possession of it so their request is denied.

MR. HALL: Not give it to the candidates but does the committee make any other ruling as to the rights of members to inspect or use the mailing list?

CHAIRMAN NELSON: According to Federal law, the right to inspect.

MR. HALL: The other matters stated in my letters reading from the Local letter first, that a request is made that a list of all persons

from whom ballots have been received be maintained and made available for inspection at any time by any candidate or member.

The meaning, of course, of this request, of course, is that it be kept as a public list of those persons who have submitted ballots.

MR. SCHWARTZ: Received or submitted?

MR. HALL: From whom ballots have been received and the list be maintained as ballots are received by the Triple A so that every member and every candidate will be in a position to know whether a ballot has been received so that every person will be able to determine whether a ballot that has been received in his own name and also so that members will be able to see from whom ballots have been purportedly been received.

It is, of course, a check and protection against fraud which is a serious danger in a mail ballot election and is a matter also of making public that information which would ordinarily only be restricted to a few. It's a request that favors no one person except that it simply allows for and makes the election that much fairer. The same goes as to the other request made in my letter.

For example, what is listed as third here that the eligibility of persons to vote be checked against union records.

CHAIRMAN NELSON: Excuse me, do I understand that you want a list made with inspection of any candidate who has received a ballot and the ballots returned--

MR. HALL: I ask that a list be maintained from day to day or week to week as ballots are received by the Triple A or by the union of those persons from whom the ballots have been received so that for instance if a member like Victor Soto suspects that somebody has been voting in his name he can check that list and if his name shows then he knows that a vote has been cast. Similarly, if Victor Soto, and I am using him as an example, had submitted his ballot for mailing he will be able to know by looking at that list whether the ballot was received by Triple A and beyond that members will be able to check the genuineness of other ballots.

I am sure every member knows of somebody who is on a ship far beyond the reach of the mail. They could be in the middle of the Indian Ocean.

If the member who knows this looks at the list and sees that the other person or a ballot in that other person's name has been received he immediately can determine that something is wrong or that something has happened.

It has been suspected in the past and much discussed at our meetings or our hearings on these elections that ballots are cast by somebody in the name of people who are not available for voting. Many members of this union who are by reason of their employment or otherwise placed in such a location where it's extremely improbable that they will vote.

CHAIRMAN NELSON: Wait one minute. Will you just repeat that question so that my secretary can write it down.

MR. HALL: We request that a list be maintained from week to week or day to day which is convenient for all persons and that the list be available for inspection by any member including any candidate at any reasonable time.

MR. CRIER: That is not a secret ballot, is it?

MR. HALL: It is not a secret ballot.

MR. GAIER: On the other side of the coin you are using the word casting a ballot when you mean mailing of the ballot.

CHAIRMAN NELSON: Will you please speak through the chairman.

MR. GAIER: Mr. Chairman, I am trying to make a point here. When a man goes to sea and tells another person to mail a letter using Mr. Hall's example if he is in the Indian Ocean, and he gives the letter to his wife and tells her to mail it and she forgets and doesn't mail it for weeks. The point I am trying to make, the point I am trying to make--

CHAIRMAN NELSON: Joe, would you mind waiting a minute until he writes it down.

You gave your point, which is inability of a member himself to get his ballot in and could it be sent in by someone else.

MR. HALL: Let me just say this. If the ballot has been received in the name of a person who circumstances would indicate probably did not vote then the discovery of the fact of such a ballot received would be an indication, not a conclusive one, of course, but it would be an

indication that something is wrong and calls for further investigation.

The point is that if a member saw the situation and it occurred to him to raise the question in time so that the point of fraud could be checked.

MR. GAIER: What I am saying is that if a man has cast his ballot, is it intumbent upon him to mail the ballot?

MR. HALL: I don't understand your question.

MR. GAIER: I will simplify it for you. If a man comes into New York in the morning and tells his wife to mail this ballot for him tomorrow and she forgets about that for two weeks this man is out at sea now so your point is that this man cannot mail that ballot so he cannot cast his vote.

MR. HALL: That's not my point. If that ballot was correctly and validly cast, there are circumstances however and perhaps this is one in which suspicion would be raised which would call for it being looked into. If it was looked into and if it was found that the wife had mailed it a few weeks later that would end all suspicion as

318a

far as that ballot was concerned.

All I am asking is that whenever a member can discover a situation that suggests on the face of it a possible electoral fraud he should have an immediate opportunity to raise this question so that the Triple A if it believes that his suspicions are strong and solidly founded can look into this matter and see if there was an electoral fraud of any kind. As to the other point that Mr. Galer raises, I would like to point out that this is no infringement upon secrecy of ballots. All I am asking is that they be made public, the fact of the ballot having been received being made public. This is a common practice in all state, city and national elections.

There is also a record made which is a public record of whether you voted or not, not for whom you voted, just the fact that you came in and voted.

This record is not only public, it is also determinative of your future legal rights. In New York State, if you did not vote for any election over a two-year period, you lose your registration to vote. So, this question of whether

you actually did or did not is public and legally significant. I would suggest that it is important to keep it public in this type of election, also, especially because this is a mail ballot election and mail ballot elections as we all know are highly susceptible to fraud of various kinds.

One of the frauds which is common in mail ballot elections is the substitution of, by other persons, of ballots in the name of persons entitled to vote but who did not vote.

CHAIRMAN NELSON: Joe, is there anything further you want to say on this?

MR. SCHWARTZ: I want to ask a question: Is this something that 88 has done in the past or any of the mail ballot elections have done in the past?

MR. HALL: The question has been raised and discussed at election hearings but I don't know whether it actually has been done.

MR. SCHWARTZ: As far as I know, I have never heard of it.

MR. GAMER: I never heard of it either.

MR. SCHWARTZ: There are other protections in this election.

MR. HALL: As to other protections, I would suggest that absentee ballot elections we need all the protection we can get. When I say we, I am speaking for all of us. It is extremely difficult even with the best of intentions for any organization to run elections by mail over a long period of time with absence of fraud and with the assurance of the absence of fraud it is extremely important for the welfare of this organization that all members be confident that its elections were and are legitimately conducted. The suspicions by members and especially suspicions of the organization that electoral fraud is common is a very dangerous suspicion, and this organization would be injured very badly if that suspicion were spread among the membership and if there appeared to be substance to it.

MR. MITCHELL: There is a rumor that the last presidential election was crooked.

MR. HALL: There is a case pending in the United States District Court for the Southern District of New York which charges that there was impropriety and demands that a new election be conducted.

CHAIRMAN NELSON: Mr. Weinstein?

MR. WEINSTEIN: I want to ask a question of Mr. Hall. I want to straighten out the representation here. I am asking a question of Mr. Hall on clients and of people whom he represents. I have a list of names who weren't present that he represented. I heard one name, I think half-a-dozen times, and that is the name of Mr. Holdeman. Do you represent Mr. Holdeman?

MR. HALL: Mr. Holdeman was not a candidate.

MR. WEINSTEIN: I didn't ask you that.

MR. HALL: Yes, I represent Mr. Holdeman.

MR. WEINSTEIN: Thank you.

MR. HALL: I believe at the same time I might mention some of the other points here because they all go to the same question of adequate safeguards we are seeking here as many and varied safeguards for the security and legitimacy of this election as can reasonably be imposed and I think this is a common desire, I hope this is a common desire on all our parts that there shall be as many safeguards as it is physically possible or reasonably possible to place on this election.

I think I have indicated why and I hope you will all agree with me that it is extremely desirable that we all know that it be a fair election. We should all know about the eligibility of persons to vote, the eligibility of those who are on the voting list. The list to receive ballots should be checked against the union records so that the purpose of course would be to prevent ballots from going out to persons who are not actually eligible to vote. The problem, of course, is that there may be on that list persons who are not actually members of the organization or may be behind in their dues or suspended from membership or persons who don't belong there under any circumstances. There may be persons who are dead, for instance. We should have a check of this before sending ballots out and certainly before casting the ballots to determine whether the persons listed there are in fact eligible voters. Next, we are asking that the Triple A obtain and use in its check of signatures on the ballot envelopes the membership and transfer application form and other records that are maintained by the union and by the pension and welfare plan.

CHAIRMAN NELSON: To compare signatures?

MR. HALL: Yes, one of the checks we use and I assume it will be used in this election is the check by the Triple A of the signatures on the return envelope as against those on the list of signatures. There has been some question raised at recent elections as to whether the list which the Triple A has in its possession of signatures is actually a genuine list. There has been suspicion by several persons that many of those signatures are not in fact the signatures of the persons for whom they purport to be signatures. They are signatures of other persons and in other words to get this check list of signatures correct that the Triple A make use of the signatures not only from the union records which would be the transfer and application form of persons applying for membership or transferring into Local 83 but also those signature records which are in the possession of the local welfare and pension plan.

CHAIRMAN NELSON: Mr. Mitchell?

MR. MITCHELL: I ask a qubstion to the chair. Are we going to hire a handwriting expert?

MR. HALL: One is always hired by the

Triple A, I believe.

MR. MITCHELL: Over the years, your signature changes. I have been a member for 20 years and I am quite sure my signature is not the same as it was then.

MR. HALL: The problem Mr. Mitchell raises is a problem with regard to many members. By taking more recent signatures that are in the possession of the welfare and pension plan we would alleviate that problem.

Next, we're asking that ballots be watermarked. This was a common practice in our elections up until the last election or until recently. The watermark, of course, is a protection against the falsification of actual ballot forms. This makes it impossible for unauthorized persons to duplicate ballots and we would have reasonable control at least over the names that is to say we would know how many ballots were printed, and how many were mailed out, how many ballots were received back and again, how many ballots are left over. These figures should tell us, but when there is the danger that people can actually counterfeit ballots then we are thrown into serious

trouble and the protections against the counterfeiting is afforded us with the watermark mail by the Triple A. Next, we are asking that the number of ballots and return envelopes printed be made available to candidates and also the number mailed out and those left over.

I referred to this a second ago. These numbers should be maintained and everybody made aware of it.

MR. SCHWARTZ: Let me be sure I understand that. You want each ballot to be numbered, is that what you are saying?

MR. HALL: No, just the total.

MR. SCHWARTZ: Just the total number printed and the actual number mailed out and the actual number left?

MR. HALL: So everybody will be in a position to know in the first place how many were mailed out, how many were left over.

MR. GAIER: Mr. Chairman, I want to get back to something here. I am sort of confused. I always get confused up here. Mr. Hall is representing a group that is running against the incumbents.

Is it the request of Mr. Hall's clients that the number of ballots be printed throughout the offshore division?

MR. NEUMAN: No, he just wants a double check.

It's very plain what he is talking about.

CHAIRMAN NELSON: One at a time.

MR. GAIER: As I understand it, just a certain number of ballots are going to be printed for Local 88 and the International, am I correct on that?

CHAIRMAN NELSON: I don't understand about the International. He is talking about Local 88.

MR. GAIER: I don't want to interrupt anybody but I just don't understand this. Does that mean that watermarks on the former Local 88, does that mean the signatures on the former 88 only, is that what he is trying to say?

MR. HALL: I am going to make it simple. With the exception of the certified copy of the mailing list I am talking only about Local 88, of course, with regard to the Local 88 election. The numbers that I am talking about, the total set of

numbers kept on hand and so on pertains only to Local ballots and would be kept, of course, only in New York City, which is the center of Local 88. When it comes to keeping similar records on International ballots, I assume they should be made available in some convenient way to persons throughout the International. I don't know what the West Coast arrangements for that is because as far as giving West Coast members access perhaps just keeping those records in the headquarters of the Triple A would be sufficient or perhaps we'll get into that in a minute.

At the moment--

CHAIRMAN NELSON: Does that answer your question?

MR. GAIER: No, it didn't. I'm still confused. How can you separate Local 88 from the offshore division election.

MR. HALL: First of all, I would suggest that ballots in the International as well as here be watermarked. I think protection as to the numbers, to the total of Local 88 ballots should be made available in some manner by being kept at the Triple A headquarters. As to the total of

International ballots it would seem to me that these two should be available to the International as well as members of Local 88, but different totals, of course. When we total up International ballots, we are talking about countrywide. Now the physical process of making these total numbers available for people outside New York may raise a question. I would suggest at least that the total number be made available at the headquarters of Triple A.

International ballots should also be made available in other parts, but I leave that as an open question. I don't know what is convenient. I do think that it should be convenient so that persons interested can know as the election proceeds just what these total numbers are in any given period.

The last item on my letter--

CHAIRMAN NELSON: Just one moment. Mr. Gaier, does that fully satisfy your inquiry?

MR. GAIER: No, I am still confused.

CHAIRMAN NELSON: As I understood your question, you wanted to know whether this pertained only to Local 88 and its elections, the request that has been made of watermarks, total number of

ballots sent out and ballots left over. He answered you that as far as the watermarks are concerned it should pertain to International as well but as far as the other part of his request it should pertain only to Local 88. It seems to me he has answered your question. If you have any further questions, we will continue until you get your proper answer. What don't you understand about it?

MR. GAIER: Go ahead.

MR. HALL: I think it will become quite clear.

I am talking about this letter regarding Local 88. My last question had to do with the number of ballots to be printed. What I am asking is that the excess of ballots printed over the number of eligible members be kept within reason. The point here obviously is that it will be necessary to print more ballots than there are eligible voters and the reason for this is that there will be duplicates. I am asking that there be a reasonable minimum of excess so as to cut down the risk of flooding or improper ballots. I think that is self-explanatory.

That basically was the request in regard

to Local 88 elections. I sent the same day a letter to Mrs. Carlson dated August 23rd--

CHAIRMAN NELSON: Just a minute.

MR. VALENSI: Did you say you don't want excess of ballots priated?

CHAIRMAN NELSON: There would have to be an excess of ballots printed because you have to have duplicates and you have to have samples.

MR. NEREAUX: For the record through the chair, here is a ballot of the last election. He mentioned a watermark. This ballot was not water-marked.

CHAIRMAN NELSON: Is that an official ballot?

MR. NEREAUX: Yes, it's an official ballot.

MR. HALL: I would urge that we return to the use of watermarks. They stopped using it at the last election and it is one of the best protections.

Before I go on, I think I made a mis-statement as to the checking of signatures and the availability of the signatures. I shouldn't have referred to the Local 88 welfare and pension plan

but rather to the International welfare and pension plan which would have the signatures.

Now, in my letter regarding the International election, I have made substantially the same requests. The only question I did not make was the one based on the Local 88 by-laws, namely of the rights of us to have a certified copy of the mailing list. This I did not do simply because the International constitution and by-laws do not provide for it. I am suggesting, however, that it would be very desirable to provide such a list but the by-laws and the constitution do not provide for it.

However, I am making a request and we have made a request first of a list of all persons from whom ballots are received as they are received be maintained and made available for inspection at any time by a candidate or member.

MR. SCHWARTZ: That's the same as number one on the other.

MR. HALL: There was the question that Captain Gaier raised.

MR. SCHWARTZ: Penny notes that's the same thing you mentioned before.

MR. HALL: Of course for the International the list is bigger and it includes those names on the Local 88 but it also encompasses a lot more.

Second, that the voting eligibility of persons named on the voting list be checked against union records.

MR. SCHWARTZ: That's number two of Local 88. That would be the same as Number 2.

MR. HALL: I think on my list it would be one advanced.

MR. SCHWARTZ: So it would be the third item.

MR. HALL: We're asking that the Triple A obtain from the union record correct facsimiles of eligible signatures. Fourth, I am asking that the ballots be watermarked. Fifth, I am asking that the number of ballots and return envelopes printed be made available and also the number of those mailed out and those left over. I'm asking that these names be made available to all candidates and members. This should be done in some reasonable fashion, either on a week-to-week basis or day-to-day basis. Next, I am asking that the excess of ballots printed be kept within a reasonable

minimum.

That concludes the requests that I made in my two letters and as I say I think I make these requests for a legitimate reason to safeguard to protect which I am sure everybody wants a fair election. It is in everybody's interest to have a fair election.

MR. WEINSTEIN: I'm getting like Joe, confused. You say you want a fair election, and then you start the whole thing by saying you don't trust the agency that is going to run the election. Then, you fall in love with all the wonderful things to do with the agency. The letter was very damnable.

MR. HALL: You don't mean damnable, you mean damning.

MR. NEREAUM: You still take your wages every week and--

CHAIRMAN NELSON: I think you are out of order.

At this time I would like to ask just our committee a few questions. Do you want to leave or do you want us to leave?

(A short recess was taken.)

CHAIRMAN NELSON: The meeting is reconvened and back on the record. Will the secretary note the presence of Captain Frank Scavo.

As to the requests in your letter of August 10, Mr. Hall, on the first request we have denied that the membership list be made available.

MR. SCHWARTZ: So there is no confusion, the way that I had it written down was--

CHAIRMAN NELSON: I am referring to his letter which is the same.

MR. HALL: The top of the letter was the request decided earlier by the ballot committee.

CHAIRMAN NELSON: Second, that a list of all persons from whom ballots are received as they are received by maintained and made available for inspection at any time by a candidate or member. We have denied this request because we feel that pressure could be brought to bear on those who had not voted and that it would not be fair.

Third, that the voting eligibility of persons named on the voting list would be checked against union records. Now, this is the responsibility and function of various subordinate bodies to provide that list to keep it current. I think

335a

that has already been provided.

MR. HALL: With regard to Local 66, if it has not do you agree that it should be?

In other words, will you accept my request that it be right?

MR. CHAIRMAN: I assume that it had been done and I accept your request that it will be.

MR. SCHWARTZ: His request is that he wants them checked against the union records and I think that the comparing of the original checking is the job of the body. You will be able to see it later.

MR. HALL: I am suggesting that the Triple A do these checkings. Are you saying no?

CHAIRMAN NELSON: The checking is done by the people in the office of the various subordinate bodies and it will continue to be that way.

MR. HALL: These people for the most part are candidates for re-election. They are obviously interested. I am suggesting that the impartial agency do some additional checking.

CHAIRMAN NELSON: I don't feel that that is necessary.

MR. MITCHELL: At the end of the balloting

BEST COPY AVAILABLE

everybody is checking to be sure that they are a member and eligible to vote and of course the constitution states that only a member, a person who has been a member for six months is eligible to vote or else they can be suspended. Anybody in this category the ballot would not count. So it's done.

MR. HALL: At the actual counting of every ballot it's impossible to do this because so much else is being done at this final time. My suggestion is that this checking be carried on by the Triple A during the course of the election so that we can have an answer, the results of those checks available when it comes down to the time to count it.

CHAIRMAN NELSON: Let's hold that in abeyance.

Four, you are asking that the Triple A check the union records for the signatures, or other records maintained by the pension and welfare plan.

It is my understanding that the Triple A does have the signatures and has had them in the past in all Local 88 elections.

MR. HALL: I am suggesting that they obtain these records now to go over the facsimile signatures which we have to check and make sure they are up to date.

CHAIRMAN NELSON: This will be done, Mr. Hall, in regard to Local 88.

MR. HALL: And the welfare plan?

CHAIRMAN NELSON: Yes.

MR. SCHWARTZ: Off the record.

(Discussion off the record)

MR. HALL: I would suggest the Triple A--that it do more. It's not possible for the ordinary observer to see a false signature just by looking at it.

In other words, to determine whether there is any number of, large number of false signatures it is necessary to make some kind of spotcheck or complete check or whatever can be done to discover whether these exist in large numbers. Whether the Triple A signature experts should take the entire 2,000 and check each one or whether they should simply select out of them a good test, good spotcheck that is really up to them.

CHAIRMAN NELSON: This request is that

the ballots should be watermarked. Yes, they will be watermarked for the entire election, International and Local 88.

This request that the number of ballots and return enevelopes printed be made available to candidates and also the number of those mailed out and those left over, yes, they will be made available.

Second, that the excess of ballots printed over the number of eligible members be kept within reason, this I believe, we should leave within the framework of the Triple A and their responsibility that we do not print too many of them.

Has there been any complaints in the past that too many of them were printed?

MR. HALL: Yes, in one election I believe it was the last Local 88 there was a great question as to what the total numbers were.

We never did find out. We kept agreeing that we were going to find out the number, but we never did.

CHAIRMAN NELSON: A record will be made of the excess over what is mailed out and the nurber to be used for various purposes, sample ballots

and so forth and I believe we can leave that to the direction of the Triple A.

That's about all we have, Mr. Hall.

MR. HALL: Basically the same request except for that one relating to the membership list were made in a companion letter relative to the international.

The letter is dated August 21st and is addressed to Margaret Carlson in reference to the election of International officers.

MR. SCHWARTZ: I think we talked about this before. Everything is the same except with regard to signatures since there has been no past practice of checking signatures.

Other than that, I think this is basically the same thing.

MR. HALL: Those are the decision of the ballot committee?

MR. BURLINGAME: When you refer to these signatures, did I understand you to say that the signatures would be spotchecked? The signatures of the members on the ballot against the member signature in the welfare plan office?

CHAIRMAN NELSON: From whatever place that

they get to verify signatures.

MR. BURLINGAME: In the past we have used the one on record in Local 88.

CHAIRMAN NELSON: I believe we agreed that it would be best to get the latest signatures of the persons involved.

MR. BURLINGAME: Obtained from what source?

CHAIRMAN NELSON: Fromthe welfare office.

MR. SCHWARTZ: We are only talking about Local 88.

MR. HALL: We, of course, want the signature check as to International, also.

CHAIRMAN NELSON: I am sure we will spot-check it or do whatever is possible to check this out.

MR. HALL: Is it my understanding that you are not going to check signatures of the rest of the International. We of course want to emphasize our request that this is an extremely valuable procedure.

CHAIRMAN NELSON: Do you have any reason to believe that there are false ballots being sent in; we will certainly check it out.

MR. HALL: I think in the 88 ballots we also found a few--

MR. SCHWARTZ: Off the record.

(Discussion off the record)

MRS. CARLSON: If I remember, there were questions. In other words, where the signature was so old that the handwriting experts could not positively say that this individual was the same person because of the age of the signature.

MR. HALL: I can say that I recall Mrs. Carlson producing a bundle of signatures that she said were simply flatly rejected by the American Arbitration Association signature experts.

MR. GAIER: I'd like to say on the record that I remember it very well. The handwriting experts turned down about ten because there was no facsimile signature. The following day Frank Scavo and a couple of others went down to the pension and welfare and the handwriting experts agree that the signature on the envelopes were of the individuals that signed them.

MR. HALL: All I cansay is that I can recall from my own recollection which would suggest to me that while there were some that didn't have corresponding signatures there were others that were and according to the signature experts they simply

refused to okay them because the signatures seemed to be plainly different. How many ballots were involved, I don't remember. But, my memory indicates to me that there were such ballots at least on one occasion and I think one more.

CHAIRMAN NELSON: Off the record.

(Discussion off the record)

MR. HALL: I'd like to bring up the subject of campaign literature and the equal rights to distribute campaign literature.

Before I do, I'd like to touch on one more matter having to do with ballots. That is the arrangement of the names of the different candidates and of the voting boxes, the box in which a check is to be made on the ballot. It is an elementary principle of fairness that there should be a drawing, a fair chance for every candidate to get into the preferred position. It seems to me before the ballots are printed there should be a drawing or some other fair way of resolving the question as to which candidate is put on top and which on the bottom.

In Local 88 elections this has been the common practice, but I don't know if it's been the

practice in the International. It should be carried out. It's a fair requirement.

CHAIRMAN NELSON: We have discussed it informally but we have not reached a conclusion on it with our committee.

MR. SCHWARTZ: The thing that concerns me now is that Eric Schmertz is here. These things that relate to the ballot which I think have to be decided including the business about how the thing sets up and the campaign literature and other items like that don't actually hold up the printing of the ballots. We are anxious to get the ballots out. I thought maybe if you were through with this stuff with regard to the ballots, we can stop for a minute and look at what we have to submit to Eric Schmertz so that we can get the ballots out.

CHAIRMAN NELSON: In regard to the position of ballots, they will be determined by lot. They will be drawn by a lot or some other manner.

MR. MITCHELL: I thought we hadn't decided yet.

MR. HALL: I'd like to mention about the ballots that there is a requirement in the constitution that every candidate for International office

must state whether he has ever been suspended from membership in the organization.

My inquiry is this: Is this instrumental requirement going to be carried out?

CHAIRMAN NELSON: Where are you reading from?

MR. HALL: I am referring to notes made up by one of my clients. I don't have the book.

Captain Sheldon, do you have it?

CHAIRMAN NELSON: I have it here.

MR. SHELDON: I have it. It's on page 17 International Article V, Section 5A, Subsection (d). It says:

"Special reference shall be made to whether he was suspended or dropped at any time he was in the organization."

MR. HALL: I raised the question because it has been raised in the past. In fact, in the 1968 election a candidate for vice-president whose name was William Cauldwell had apparently completely neglected to submit that in his ballot statement. He said something to the effect that he had been dropped. According to the records of the ballot committee meetings, he was subsequently required to

have entered on his ballot or it was entered on his ballot for him the fact that he had been suspended for nonpayment of dues. I would think it would be appropriate to have that same statement on the ballots this time.

CHAIRMAN NELSON: Well, it said or dropped at this time.

MR. MITCHELL: Mr. Chairman, preceding that it says each candidate now hadthe right to submit a statement not to exceed 200 words which shall include such information. So, it's not mandatory under the constitution. It says he shall have the right to submit such a statement.

MR. HALL: As I understand the section, it means if he wants to submit it it shall contain this special information because the word shall is used rather than may. It says this statement by a candidate shall appear on the ballot. Now, it's possible that an interpretation would suggest that he might not make any statement at all and if he did make a statement he would have to haveit on there. In other words, if you make a statement it must have these things in it. If you don't put all these things in your statement, then nothing

appears.

CHAIRMAN NELSON: That sounds like a reasonable interpretation.

MR. WEINSTEIN: I have one question directed at Brother Sheldon: Are you specifically mentioning one man that this would apply to or any man that made a statement that had been suspended?

MR. SHELDON: I merely cited one man's name who I happen to know and his case came up.

MR. WEINSTEIN: Do youknow of any more?

MR. SHELDON: I don't know of any more right now.

MR. WEINSTEIN: I wonder if it includes anyone you know at this time.

MR. SHELDON: No.

MR. HALL: I have one more question relating to the ballots and that is the right of the candidate under the Landrum-Griffin Act to inspect the last known names and addresses of all persons covered by a union shop. This right applies before the election and in this instance therefore before the actual mailing out of the ballot. I am suggesting that this right, and I believe the request that was made about this right by Captain Sheldon, I

believe this right should be given him before the ballots are actually mailed.

MR. SCHWARTZ: I don't think there is any argument about the right.

I assume, Margaret, that you have that list and when you get the list you may make arrangements as you probably have on many occasions and let them inspect it.

MRS. CARLSON: It will have to be done before I number those lists.

MR. SHELDON: You mean I can't see the numbers?

MRS. CARLSON: We have to get a third list.

MR. HALL: Does the committee recognize that Mrs. Carlson should make this list?

CHAIRMAN NELSON: Yes. She can come up with an unnumbered list for the inspection of the people.

MR. MITCHELL: That's a law.

MRS. CARLSON: As long as it's unnumbered, the list can be seen at any time during the election process because as long as I have the duplicate, my numbered list, I don't care, there is no urgency.

MR. GAIER: Point of information, Mr. Chairman. Am I led to believe at this time that a candidate in the Port of New York election comes to the American Arbitration Association for the inspection of the list and not to the port office?

CHAIRMAN NELSON: Yes.

MR. SCHWARTZ: That's where they are.

MR. GAIER: In other words, you don't come down to the Port Office; you have to go to the American Arbitration Association?

CHAIRMAN NELSON: Wait until I check out the wording on that.

MR. HALL: The Triple A is the agent.

MR. SHELDON: May I be recognized?

CHAIRMAN NELSON: Wait a few minutes and I will take care of you.

MR. SHELDON: I want it clearly understood that I am entitled to, under the law, the right to inspect the mailing list prior to the time the ballots go out. I don't care about doing that after they go out, though I may research that right under certain conditions. But, I do have the right to inspect that list prior to the time that the ballots go out under the law.

MR. SCHWARTZ: Oh, you name the time and date and Margaret will make it available to you.

MR. SHELDON: Mr. Chairman, I would like to know if the American Arbitration Association is going to notify me or if I have to notify them.

MR. SCHWARTZ: For the record, as I understand it, Mr. Chairman, Mrs. Carlson has indicated that the list is there to be inspected and in accordance with the law I presume that if Lloyd called up any time starting tomorrow within office hours that the list would be made available to him within a day or the next day at the latest.

Is that right, Margaret?

MRS. CARLSON: Yes.

MR. SCHWARTZ: Off the record.

(Discussion off the record)

MR. SHELDON: In respect to the previous discussion, I have been in contact with a couple of candidates in New Orleans. They have, one of them at least, has approached Stegall and requested to know how he would go about inspecting the list, of members of the offshore division, New Orleans, former Local 15. He has not received a satisfactory answer yet and I do believe that this should be taken

BEST COPY AVAILABLE

359a

care of. The man's name is Nicholas LaRock and he is running for Port agent. The same applies to a gentleman by the name of Coil who is running for Port agent. They have not at this time been able to see the membership list and they have asked me to bring the question up at this hearing.

CHAIRMAN NELSON: Brother Stegall will be notified to make the list available and in the Port of New York as I understand it will be the American Arbitration Association who will have the list available for inspection by all candidates. Does that answer your question?

MR. GAIER: Mr. Chairman, let me repeat this now. As I understand it, if some guy comes from Florida, if he wanted to inspect the list he must come to New York?

MR. SCHWARTZ: Don't worry about that.

MR. GAIER: Let me get back to the Port of New York. Now, if the candidate running for Port office in the Port of New York desires to inspect the list he comes to the American Arbitration Association and not to the Port office?

MR. SCHWARTZ: Right.

CHAIRMAN NELSON: It's obvious that the

BEST COPY AVAILABLE

American Arbitration Association is available only in New York for the inspection of the list.

MR. MITCHELL: About the matter Brother Sheldon brought up concerning New Orleans, I talked to Captain Stegall and he informed me that as soon as the ballot committee made a decision about inspecting the list that he would abide by it.

CHAIRMAN NELSON: I would make that same statement. He was probably waiting for us to come up with our decision on it. We will notify him at the first opportunity to make the list available in compliance with Federal law.

MR. SCHWARTZ: Off the record.

(Discussion off the record)

MR. SCAVO: Let me ask a question here because I am going to be involved just so I will know. If I understand this correctly, if anybody wants to inspect the New York mailing list for the New York branch of the election here, they come up here to the American Arbitration Association to inspect it, is that correct?

CHAIRMAN NELSON: Any candidate for office; not anybody.

MR. HALL: I'd like to move to the general

question of equal rights and to distribution of campaign literature. Before I raised various objections or appeals, I'd like to summarize what I understand the rights involved are.

MR. SCHWARTZ: What are we going to do with Schmertz. You are not going to get rulings on some of these things. These are things that we will have to see what the situations are going to be. We may have to look at additional documents and things. Do you want to tell Schmertz what we are going to do, what issues you want to appeal to him?

MR. HALL: I am going to state the issues that I wanted to take up with Mr. Schmertz, but I would like to give the ballot committee an opportunity to pass on them before raising them to a higher body. Just to give the union a fair opportunity to resolve any questions.

MR. SCHWARTZ: Well, you were going to find out that the committee cannot pass on policies such as campaign literature.

MR. HALL: Well, I think there are several things that we have. Let me summarize at the beginning what I understand to be the legal rights

involved and the legal rights are written not only into the law, but also, I believe, the International constitution.

Basically, Section 601C of the Landrum-Griffin Act, the right to inspect lists of members which is what we are talking about, but also two other rights, one of which is the right of the candidate to have a mailing at his own expence of campaign literature to members and the other is the right of members to be free from discriminatory use of lists which includes the use of union funds as well. Wherever such discriminatory treatment is found to exist, the candidate is given the legal right to have similar treatment including similar use of funds, of union funds which have been used. Now with this preface let me go to three different items. First, there has lately been published what purports to be a convention report. A protest regarding this has been sent to I believe International by me on behalf of Mr. Sheldon.

First, the convention report contains glowing endorsements of the incumbent presidents, Mr. O'Callaghan. A glowing endorsement directed to Mr. Bowers or Mr. Gleason. In addition, there

is reference to Captain Sheldon, although his name is not as clearly identified.

CHAIRMAN NELSON: What is your question?

MR. HALL: This letter is not only libelous of Mr. Sheldon, but it is clearly campaign literature. Campaign literature given in praise of the incumbent president and its denunciation of his only opponent in this election. The constitution states that union funds and union facilities have been used for something which is clearly campaign literature. Frankly, I think you all know my opinion and my client's opinion as to the freewheeling aspects of--

CHAIRMAN NELSON: Mr. Hall, unless you come up with a specific question that we can take action on, I will rule you out of order.

MR. HALL: First of all, I think you are familiar with the document.

CHAIRMAN NELSON: You were outside of our province.

MR. HALL: I am appealing to whatever body in the union for the right to--

MR. SCHWARTZ: That is not this body, Burt.

MR. HALL: My next question concerns matters which there are indications will occur but have not yet occurred.

I am bringing to the ballot committee's attention this fact in the hope that the ballot committee will protect its members in the future in the election issue of masters, mates and pilots. There are indications that there are statements going to be made by persons other than persons relative to the election.

CHAIRMAN NELSON: Are you referring to the April 30th letter?

MR. HALL: I assume I am.

CHAIRMAN NELSON: Make your reference to it and I will check it from here.

MR. HALL: Perhaps Mr. Sheldon can enlighten us.

MR. SHELDON: No, he is referring to a subsequent one that made reference to the editorial board meeting and their determination as to the 200-word statement that would be made by candidates and in fact members in connection with the election.

CHAIRMAN NELSON: That's right here.

MR. SHELDON: No, that's not it.

356a

MR. HALL: There was a letter to that effect.

MR. SHELDON: I am not talking about the 200-word ballot statement, I am talking about the 200 words that appear in the special election edition, masters, mates and pilots.

MR. HALL: I think it only requires pointing out for everybody to see that would suggest that Mr. O'Callaghan or whoever is in control of the thing can put in all kinds of material, glowing endorsements from outside candidate Bowers or any others.

To put it in would turn the election issue into a piece of campaign literature on whatever candidates the people in control want.

CHAIRMAN NELSON: Off the record.

(Discussion off the record)

MR. SHELDON: Mr. Chairman, for the record just about everybody here is familiar with that letter and has seen it.

CHAIRMAN NELSON: It all depends on what Mr. Hall wants to bring out.

It can be noted for the record that I read it and it might be recalled to my memory what

you bring out. 357a

What is your question, Mr. Hall?

MR. HALL: My request is that the ballot committee take cognizance of the danger to a fair election and the infringement of candidates' rights by allowing this election edition to be used to carry material from outsiders and from other persons from known candidates that either campaign for or against particular candidates.

CHAIRMAN NELSON: You are assuming that that will happen.

MR. HALL: I am forewarning the ballot committee of the possibility of this happening. I now have in front of me a letter from Captain Lowen to Victor Soto with reference to the election edition which makes mention of the meeting of the editorial board of the official publication.

Under Paragraph 2 following the sentence appears in other words to give candidates for office in the upcoming elections and other members, fair and reasonable access to the official publication, a motion was made, seconded and adopted to approve the following procedures and then it indicates the several procedures.

It is apparently an implication that the editorial board contemplated putting in statements of known candidates relative to the election. This on its face would be an indication that the editorial board contemplates putting in campaign material that doesn't belong in the election edition. I draw this to the ballot committee's attention and I ask the ballot committee to make sure that such improper use of the election edition is not done.

CHAIRMAN NELSON: I can only answer you this way. I don't know what the position of the editorial board is. I know that each candidate is allowed 200 words and I don't think it's within our province to direct them on how to put out their edition of this election edition.

I don't think we have any authority in this matter.

MR. HALL: I am suggesting that the carrying of the election by their candidates and their publication is not proper and that all candidates should be given equal opportunity or equal access within the publication. You do not just select those candidates that reflect the policies of the editorial board.

CHAIRMAN NELSON: My point is that I am sure they will scrupulously avoid doing what you suggest they will do.

I feel we don't have the jurisdiction to rule on this matter which would be in fact to tell the editorial board what to put in their paper. But I am quite sure it won't happen. Just as sure as you are that it might.

MR. SCHWARTZ: I don't think you are suggesting that there is anything improper about having the endorsement of some members of the union who don't happen to be an official or candidate.

MR. HALL: Except the endorsement should not be printed in the official union paper and directed at--

CHAIRMAN NELSON: Certainly there should be equal space to both sides.

We don't have the authority here.

MR. HALL: I raised the point. I would like to raise one more point.

I am advised that in a previous election either the ballot committee or a member of it published literature using his title as ballot committee member or under a name of the ballot

committee.

Now my point is that every member including every ballot committee member has the right to point out his point of view--

MR. SHELDON: Mr. Chairman, may I talk to my attorney for a moment.

MR. SCHWARTZ: Off the record.

(Discussion off the record)

MR. HALL: I am corrected that in this prior election material that was published was not under ballot committee member but as president of the local, specifically Local 14. What was indicated by the material in question I do recall now that I had seen it was apparently at the expense of and with all the facilities of the local, which again is improper. And it is especially so when it is discriminatory. I would suggest that locals be advised that they do not have the right any more than the International does to publish at their expense and under their own name or under the official designationof their offices campaign literature of any kind. That is up to the individual members.

CHAIRMAN NELSON: Again, the same thing.

This is out of our province, Mr. Hall. 361a

The ballot committee has no right to tell any local how to conduct their affairs. It can only assist if it relates to the balloting procedure in a fair and honest election.

MR. HALL: I referred to my last point but I do have one more. This concerns the availability of a mailing list or mailing services to members asking for this and again has to do with the right, not discriminatory use of mailing lists, but primarily to the right of a mailing.

In the last election, the last International election although requests were made, timely made, before the mailing of ballots for the mailing of campaign literature the actual service was not available until absolutely after the mailing--

MR. GAIER: For the record, Mr. Hall, please indicate what election you are referring to.

CHAIRMAN NELSON: Was it the last election?

MR. HALL: 1968 International election.

CHAIRMAN NELSON: Go ahead.

MR. HALL: I am told in that election although the timely notice of requests for mailing of campaign literature were made by a candidate

the actual mailing service was not made available until a week or more after the ballots had been sent out thereby prejudicing the persons in question because in many instances the ballot had already been marked and returned by the time the literature went out.

THE CHAIRMAN: Do you know the reason for the delay?

I wasn't aware of it.

MR. HALL: No, I think we should take precautions against this.

THE CHAIRMAN: I will look into it.

MR. GAIER: You were a candidate, Mr. Chairman, and you know damn well--

CHAIRMAN NELSON: No, I do not know the answer for the reason for the delay.

Refresh my memory.

MR. SHELDON: The ballots went out on May 3rd, 1968, and it was the following week before I was notified though I had made my request to the then International secretary-treasurer, well prior thereto about the mailing service. In other words, the ballots were out four days before I was able to--four or five days before I was able to get to

the mailing service.

CHAIRMAN NELSON: I recall that that happened but the reason for the delay I am not aware of.

MR. SHELDON: I am not either.

CHAIRMAN NELSON: I will take a look into it.

MR. SHELDON: But I do think, Mr. Chairman, we should avoid that, now, and the manner in which this election is being conducted by the impartial agency that is handling it we will be able to avoid that.

CHAIRMAN NELSON: I am sure it will be expedited this time if I have anything to do with it.

MR. WEINSTEIN: I would like to state for the edification of those people who don't know any better that any publications put out by candidates for office in Local 14 which was mentioned here a little while ago was never done so with union funds or at the expense of any membership money. That was sent out solely at the expense of the candidates themselves.

CHAIRMAN NELSON: The record will show that you have made a statement to refute the charges

BEST COPY AVAILABLE

MR. SHELDON: [illegible] man, may I elaborate on this.

CHAIRMAN NELSON: You can start. Depends on what you say.

MR. SHELDON: This was a piece of campaign material put out entitled Executive Board of Local 14 unanimously recommends and it was signed by M. Weinstein, president.

At that time, Weinstein was the chairman of the ballot committee and there was a hearing held during the counting of the ballots of the last election. The question was raised then as one of my challenges and it was elaborated on by Mr. [illegible] who was appearing there on your behalf. Would you like me to read into the record what [illegible].

CHAIRMAN NELSON: It isn't necessary. You are bringing up something that happened in the past. This is something you would like to have corrected for the future.

MR. SHELDON: Correct.

CHAIRMAN NELSON: Then I am quite sure in agreement that if this is illegal or wrong then it shouldn't happen again. There has been no proof

BEST COPY AVAILABLE

that it was wrong so until it happens I don't think we can take any action. I don't want it to happen any more than you.

MR. BURLINGAME: I am a candidate for assistant port agent. Number one, how many meetings has the ballot committee held since the convention and where were these meetings held?

CHAIRMAN NELSON: We held one meeting which was today in New York.

MR. BURLINGAME: Was this the only meeting?

CHAIRMAN NELSON: Yes.

MR. BURLINGAME: You mean this one at the American Arbitration Association?

CHAIRMAN NELSON: No, at 39 Broadway.

It was recessed to continue here.

MR. BURLINGAME: At this meeting of the International ballot committee this morning in the International offices, were any of the Port of New York incumbent present at that time?

CHAIRMAN NELSON: Yes.

MR. BURLINGAME: Could you name them for me, please.

MR. SCHWARTZ: This is improper and you are using this to develop the record for your own campaign literature.

MR. BURLINGAME: No, I was under the impression that the ballot committee would meet up here at 11:00.

MR. SCHWARTZ: There is no such requirement. There never has been.

MR. BURLINGAME: Did any of the incumbents have the privilege of attending this ballot committee meeting this morning? If they did, then I should have had the same privilege.

CHAIRMAN NELSON: When I called our meeting to order at 10:00, I was expecting all you people to be present, to be there at 39 Broadway. It wasn't until we got going about half-an-hour into that meeting, Vera told me that you were all up here instead of down there. We had attorney Harold who could not be present this afternoon and we were going to adjourn and come up here at 11:45 and attorney Harold asked us if we would finish up his business first and then come up here. That's why we didn't come up to meet with everyone.

MR. BURLINGAME: Will you make a copy of the minutes of that meeting available to us.

CHAIRMAN NELSON: I don't know if any were written.

MR. BURLINGAME: Thank you.

MR. VALENSI: Mr. Chairman, the ballot committee followed the instructions in the letter dated August 20th signed by Lowen to meet at the International office at 11 a.m. Monday, August 30th. As per the letter, we followed instructions. I just want this to appear on the record.

MR. BURLINGAME: Was a letter sent to our port?

MR. VALENSI: Sent to all ports.

MR. BURLINGAME: We didn't have a notice to that effect in our local.

MR. VALENSI: I wouldn't know about that. We followed instructions as per the letter.

MR. BURLINGAME: I didn't receive a notice.

MR. VALENSI: I am telling you what the committee follows.

MR. SCAVO: That correspondence came to New York and was posted on the bulletin board.

MR. SCHWARTZ: If there is no further business, do you want to recess?

CHAIRMAN NELSON: Are there any further questions?

MR. NERLAUX: You mentioned that we

American Arbitration Association will inspect or spotcheck the signatures?

CHAIRMAN NELSON: If it's necessary.

MR. HALL: I have one matter that I would like to put on the record.

Mr. Schwartz has said that the International has undertaken to pay the expenses of the stenographic records of this hearing and the hearing with the Arbitrator. You will make copies available to me.

MR. SCHWARTZ: Send all copies to me.

(Whereupon, at 5:45 p.m., the meeting was adjourned.)

* * *

INDEX

Joint

1	Letter dated August 22, 1971, to manager-elections, signed by Victor Soto.	3
2	Letter dated March 15, 1971 to Capt. Thomas O'Callaghan from Arthur Hollaman.	3
3	Letter dated June 1, 1971, from Marvin SChwartz to Burton Hall, with duplicate attachments.	3
4	Letter dated July 17, 1971 from Amos E. Koonce to Frank Seave.	10
5	Letter dated July 22, 1971 to Amos E. Koonce from Joseph B. Gaier.	10
6	Photostatic copies of pages 284 and 285 of the minutes of the International Convention.	11
7	Letter dated July 13, 1970 from Leonard Lurie to Victor Soto.	13

* * *

AMERICAN ARBITRATION ASSOCIATION

IN THE MATTER OF THE ELECTION OF OFFICERS OF THE INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS

Case No. 1350-0038-71

August 30, 1971
5:45 p.m.

140 West 51st Street
New York, New York

B E F O R E:

ERIC SCHMERTZ, ESQ.,

Arbitrator.

* * *

PROFESSIONAL REPORTING SERVICE
132 NASSAU STREET
NEW YORK, N. Y. 10038
227-0033

A P P E A R A N C E S:

MARVIN SCHWARTZ, ESQ.
243 Waverly Place
New York, New York

BURTON H. HALL, ESQ.
401 Broadway
New York, New York

PRESENT:

For the American Arbitration Association:

MRS. MARGARET CARLSON

MR. SAM TANNENBAUM

AMOS KOONCE

LAWRENCE BURLINGAME

VICTOR SOTO

HANK NEREAUX

LLOYD SHELDON

KEN CAMISA

* * *

THE ARBITRATOR: Are we ready to begin?

MR. HALL: Various of the opposition candidates both in the New York branch election and in the International election including Mr. Koonce who was with us on Friday have a number of

questions, objections, demands, relating to the election procedure or to the various items involved in the election process.

They would, and I would on their behalf, bring them to you in the belief that you in your present role constitute the ultimate appellate body within the union relating to the election procedures.

It's my understanding that the election having been turned over, both the New York branch election and also the International election, having been turned over to you as the Arbitrator chosen places you and the Triple A in a position to rule on any and all matters relating to the election procedure.

It's my assumption and understanding that involves no waiver of any rights on any person's part to go into court or appeal to the Secretary of Labor or do any other thing which remains.

By coming to you we are finally exhausting all remedies available to us within the union. We seek to do this before taking any further steps and in the hope that no further steps will be necessary.

I will go into the details because I

understand that Mr. Schwartz, who represents the International, disagrees with me in this basic concept.

THE ARBITRATOR: Before you get to that, would you please bring me up to date on the outstanding issues that remained at the conclusion of the last hearing.

MR. HALL: The International ballot committee was presented with this question and ruled that Mr. Koonce may withdraw from candidacy for local office, for whatever local office he was running for, and is entitled to be a candidate for the office of International vice-president.

Subsequent to this ruling, however, the question was raised, I believe, by Margaret Carlson as to whether he was or was not a candidate for convention delegate.

This question is confused by the fact that it is unclear to us whether he ever accepted a nomination for convention representative.

MR. SCHWARTZ: It's clear.

THE ARBITRATOR: Let him finish.

MR. HALL: He typed out an acceptance copy of which he didn't make a copy. He only recalls

going for local office, not for convention delegate.

It would have been natural for him to make the acceptance at the same time. In his formal request he limited himself in writing to the local from which an appeal was taken. He limited himself to the other office.

There was, of course, good reason for this. The other office would have barred him from being a candidate for International office, but being a candidate for convention delegate would not bar him from being a candidate for International office. He personally feels that a candidate for International office should not be a candidate for convention delegate. Moreover, if you look at the by-laws of the offshore division, it would indicate that if he is elected to the International office he is automatically a convention delegate. Therefore, he wishes to withdraw as convention delegate.

He advised the ballot committee of this. The ballot committee refused to permit him to withdraw. This request is exactly the same position as the other question because the ballots have not been printed yet. Although he had not raised the

issue of convention delegate, the issue is raised now. He is asking the union to remove his name and if necessary he will submit a written letter to the local and go through exactly the same procedure he did before.

I am suggesting that it's not sensible to force a compliance, since the ultimate question has been decided. Therefore without further ado since we withdraw him as per his request for candidacy for convention delegate.

MR. SCHWARTZ: We have the preliminary question, Eric, and first of all he did accept for both and he explains that the reason he gave the ballot committee was the fact he didn't think that any official should serve as convention delegate.

We talked last time about all, or Burt talked a great deal, concerning Koonce, whether they were asking for guidance, whether they were bound to turn over to you. Actually, we have marked it as an exhibit, Joint Exhibit 6, and the record indicates that the ballot committee asked for the guidance, which is the word that they used at the convention. The recommendations were made by

O'Callahan and said that they would recommend it to the committee to the convention that the matter be given to an Arbitrator at the Triple A to make a decision which would be final and binding on both parties.

That's the question that leads to all items that are here, that were dealt with by the ballot committee. I know of no provision in the International constitution which says that by accepting an impartial balloting agency, we are suddenly making ourselves subject to some kind of procedure which is called arbitration which would be binding upon us and not binding on anybody else. This is not part of anything that is in the constitution. Our constitution requires that we select an impartial balloting agency for the purpose of counting the ballots and the rest of the procedures that go with it.

The constitution is there. I don't know if you studied it, I know you perused it. If we turn the election over to somebody else, we wouldn't need a balloting committee. I don't know what Local 88 has done in the past. That's not our situation, now.

Insofar as we are concerned, we object to any procedure unless we find ourselves unwittingly in this position because of the American Arbitration who says that we must have an Arbitrator.

I don't have any particular objection to having these matters submitted before you, but I certainly object to their being submitted before you if they are not final and binding on both parties. If it's a question of Burt making sure that he has exhausted all available remedies, I will simplify the matter by stating for the record that insofar as the union is concerned, we would consider him to have exhausted all available internal procedures, again, insofar as the union is concerned, but if we are going to go beyond that to some kind of procedure unless we find ourselves by having accepted the American Arbitration Association that we have put ourselves in the position where the AAA must render advisory arbitration of every person who comes before the ballot committee. This would have to be our position and we could not participate.

MR. HALL: I think what Local 88 has done in the past is relevant.

THE ARBITRATOR: I am not at all clear on what you gentlemen want me to do. I must say, I suppose I have arbitrated 2,000 cases over the last few years and I never had one threshold question where I should decide whether my word is final and binding and if so what that means.

Itmay be that the decision of an Arbitrator is final and binding to the extent that you might be foreclosed from taking an appeal into the courts or the Secretary of Labor.

Mr. Schwartz, I understand you are saying that you are not prepared to go forward on anything.

MR. SCHWARTZ: I don't think you have any authority here.

THE ARBITRATOR: I want to be clear on what your positions are. You are not prepared to go forward because you say I don't have authority if Mr. Hall and his clients are not prepared to be finally bound, fully bound by what I decide.

MR. SCHWARTZ: That's one item. There is the second part.

THE ARBITRATOR: Are you requesting me to decide on this threshold question or are you saying

I don't have the authority to decide on this threshold question. I have had arbitrability questions submitted to me which I decided without much difficulty.

MR. SCHWARTZ: An arbitration process requires that both sides submit the matter to you and in the submission both sides have to be bound unless both sides agree that they don't have to be bound. I say you have no submission because both sides have not agreed to be bound and I say also that unless there is something in the American Arbitration Association's rule which I never heard of.

MR. HALL: We used the word arbitrator. I point out as we go along that I regard that as a euphemism. It simply is not commonly used for the decisionmaker whose decisions are to govern the performance of the Triple A, and the Triple A, however, by its own or for its own needs and own processes must have. Why not proceed with an election until certain questions are ruled on. It needs decisions as to what to do with the ballot, how to prepare them, whether to put a watermark on or not and so on. Therefore, through its own

machinery it chooses a decisionmaker who is not obligated to participate but simply to make those decisions.

THE ARBITRATOR: There are decisions that are attendant to the administration of the election by the American Arbitration Association such as you pointed out. I think, there is no question but that the association can appoint an arbitrator to help them make a decision in this capacity as administrator and as I say the thought arises out of the initial determination of the ballot committee which relates to policy matters internal to the union which I believe you are attempting to refer to me on appeal, and which Mr. Schwartz is challenging in connection with my authority.

I certainly have authority to assist the American Arbitration Association in doing its ministerial work that they have to do in running the election. The question here is my authority to decide controverted issues that arise out of the ballot committee.

MR. SCHWARTZ: Let me just give you an example of what happened today. The question of the watermarking of ballots in the election and

the election committee said yes, the question came up whether or not there should be a list maintained at all times of the people who had submitted the ballots that they had received back to the American Arbitration Association so that everybody would know who had voted any particular time, keep a week-by-week list or a day-by-day list of people who had submitted their ballots and the election committee said that they disapproved of that because it left open the possibility of putting pressure on men who had not voted.

For some reason Margaret feels she has got to talk to you about it or has got some problem as to whether or not this fits in accordance with your procedure.

In the course of the discussion, she made it plain that this was something she had never done so we assume that there is no problem. If there was I suppose she could come and ask you but that's Margaret asking you and not Burt and myself coming before you.

MR. HALL: In the past in Local 88 as well as in other elections this has always been brought before the Authority, the official chosen,

yourself in other words and has always gone beyond the narrow limits which you refer to to decide questions having to do with membership lists, with mailings.

THE ARBITRATOR: Were these controverted where the parties disagreed as to the Arbitrator's authority or were they issues that the parties although they disagreed on them they mutually agreed to submit them to the Arbitrator.

I suspect it was the latter, probably. This is the first time that one party has taken the position that the Arbitrator doesn't have any authority to hear the issues.

MR. HALL: There is one issue that I can recall where the question was whether a candidate was entitled to a certified copy of the mailing list of the membership. This was a right guaranteed by Article V, Section 5 of the Local 88 constitution and it had been the practice for about six or seven years. It was the unwavering practice of the local to supply or give a copy of the mailing list, certified mailing list by the union to any candidate. About 1969, the incumbent official started changing this because he didn't

want to give it out anymore. This was Capt. Holdeman who was candidate for president, had been president of the Local, and took the position that since this was unambiguous in the by-laws that the Arbitrator had no business ruling on it at all because the practice of the Local was clear, the by-laws were clear. There were several rulings made all of which indicated under the by-laws that the candidates had the right to the membership lists. Nevertheless, over the objection of the candidates the person who sat in your chair proceeds with a ruling.

It's a ruling which I think has no force because it's contrary to the by-laws. However, it was the ruling in that particular election. The ruling was that the Local did not have to in that particular election, give the certified copy of the list to the candidate but rather simply had to make the list available for the candidate's use, inspection and so on at convenient times. That was what happened in that particular election. I think it was in 1967.

There have been other instances, I believe, in which the Arbitrator proceeded to make

decisions unquestioned which were not merely ministerial but which related to questions, issues, which was done in the course of election and which various people objected to his doing.

MR. SCHWARTZ: Local 88 situations is one thing I am not familiar with. I am not familiar with what happened. I don't know whether you agreed to go there and argue the matter but obviously the 88 agreed to go. They raised no objection to go.

Let's take a situation with regard to the watermarking of ballots. Suppose in that situation that instead of agreeing that that's what should be done the election committee had said no, we don't think it's necessary to watermark ballots. Now, if Margaret decided that she wanted to watermark ballots you mean to tell me she would have to have an arbitration? She might want to talk about it, but she knows full well what the requirements are to run an election and certainly this would be one of the items we feel would be proper and is entirely different. Again, if we have a situation where these matters are submitted to final and binding arbitration I will go forward.

We don't have that situation. I just don't think you have authority in this situation to go forward.

THE ARBITRATOR: It's beyond the question of authority. I am not sure whether it's my role to decide whether an arbitration decision that I entered is final and binding within the traditionally accepted interpretation of that phrase, or whether, Mr. Hall, you have appeal rights beyond that.

I am rather convinced that I don't have the authority even if I have personal views on it to make that kind of decision. That means if we go forward without such a ruling the two of you would be unclear as to the import of any decision which I make. Mr. Schwartz would be taking the position that it is final and binding within the traditional meaning of the phrase, assuming you went forward and Mr. Hall would take the position that he had appeal rights along the lines that you have suggested. But, it looks like we are unable to get the parties to agree to go forward with the issues.

Until we can mutually agree upon what force, the enforceability, what kind of binding and final nature of an award that I may render

would be, until we get that either agreed to by the parties or ordered by some other form, perhaps, it doesn't look like we can go ahead.

MR. HALL: I would say that you are right in your major points that obviously the question of whether anything is binding prevents us from coming into court is to be determined by the court when you go into court. The position that we take when we came here is that we want everybody to understand so that we won't be misleading anyone that we do not waive our appellate rights.

THE ARBITRATOR: Whatever those rights may be. They may disagree just what those rights are.

MR. HALL: We say let's proceed and pass on the objections and questions and demands so that the union will have the fullest possible chance to consider these matters to save itself from any embarrassment by an outside proceeding and so that the election can be conducted without having to be set aside or enjoined.

THE ARBITRATOR: What about within the consideration of the resolution of the convention which refers certain matters to the American

Arbitration Association for final and binding arbitration.

That resolution, whatever rights Mr. Hall and his clients or Mr. Hall's clients may have, if any, in connection with the appeal to either the courts or elsewhere are reserved.

MR. SCHWARTZ: The convention action seems to be clear. They agree they would submit to final and binding arbitration. But Mr. Hall won't submit to this.

THE ARBITRATOR: It may turn out that the opposition candidates here don't have any rights at all in an appeal considering the resolution of the convention. It may turn out as a matter of law that any decision I may render is final and binding within the traditional meaning of that word.

MR. SCHWARTZ: How can that be when he makes a recitation--

MR. HALL: Mr. Schwartz raised a good question from his point of view. The convention obviously has no power to impose on us a restriction which we do not accept. I do think that Mr. Schwartz iswrong when he thinks that the phrase

final and binding is clear. I don't think it's clear to him. I think that phrase simply means that this is the last resort within the union. This takes the place of convention rulings. This takes the place of general executive board rulings. This takes the place of any further determination by the union. This is the last step in the union. Once the question has been decided here a man is forced to go outside the union because he has exhausted all his remedies.

MR. SCHWARTZ: I'm glad you know what that means particularly when you weren't there and I was but I have made, and I want to be sure it's clear to you, Eric, that there are other circumstances under which obviously we would go forward whether or not there is a contention that this will be final and binding and that is if the American Arbitration Association pursuant to its rules regardless of what our situation is once we have asked them to act as the impartial balloting agency even though our constitution states our ballot agency supervises these activities, if they say implicitly that we must follow the arbitration procedure whether they want it or not,

whether I want it or not but simply because an objection to the rulings of the balloting committee has been raised then obviously I will go forward.

THE ARBITRATOR: It may be that the American Arbitration Association has to decide the threshold question.

MR. SCHWARTZ: I would think so, frankly.

THE ARBITRATOR: We very often in collective bargaining agree that the Arbitrator's decision is final and binding, but that doesn't mean that you can't upset the award on the various grounds set forth in Article 75. Very often it could happen that a Human Rights Commission could upset an arbitration award regardless of the final and binding record set forth in the contract.

MR. HALL: I think the convention is unilaterally --

THE ARBITRATOR: Let me make a suggestion. It seems to me if counsel will consider the question on the record, the nature of the issues which remain in dispute, so that we can consider the kinds of issues which you would ask the American Arbitration Association through the Arbitrator to decide, and as he studies your by-laws and your constitution, and whatever

other documents he might need, without reference to special issues, Mr. Hall, which you are attempting to appeal either to the American Arbitration Association or to the Arbitrator, maybe we could get that on the record.

MR. SCHWARTZ: I don't have any objection to that if you want to go through the whole thing again.

THE ARBITRATOR: Off the record.

(Discussion off the record)

MR. HALL: First there is the issue of discriminatory treatment by the union with regard to the campaign literature.

MR. SCHWARTZ: Can't we use the same order as we used in the record?

MR. HALL: I believe one of the first questions we talked about was the failure of the election process as conducted by the International ballot committee to respect the rights of the Local membership and its elected ballot committee under the Local 88 by-laws as to the variety of questions that come up. One of which is the selection of the Triple A. The Local 88 by-laws as I understand it says that the membership has the

right to select the agency. The question was never put to the 88 membership.

Similarly, there were requests which were ignored by the ballot committee and the members denied valuable rights.

THE ARBITRATOR: Can you do it this way: Can you say the ballot committee was asked to do certain things and it did or did not do those things, which we object to, and we are not asking the Arbitrator to do something else. Can you suggest--

MR. HALL: First of all, we asked the International ballot committee to uphold the rights of the membership, and have the local ballot committee, as distinct from the International, with regard to various steps along the way in the early procedure in which each of the membership or its elected local ballot committee was supplanted by the International ballot committee and decisions, in effect, imposed by the local, by the International ballot committee. To be fairly precise, as I understand, the objection along these lines, specifically, there was the objection to the International using the Triple A in this election because it was

felt that under the present constitution which says that whenever possible the old by-laws shall prevail that under the old by-laws Local 88 had a right to select their own balloting agency even though Triple A had been selected in the past, it doesn't matter.

THE ARBITRATOR: I have a better idea. Perhaps counsel in the next day or so could prepare a statement setting forth those issues which would be presented to the Arbitrator.

MR. SCHWARTZ: I don't see any reason why Burt and I have to draw up a document. You are supposed to have guidelines that you are supposed to operate with not only in this particular proceeding, but generally.

THE ARBITRATOR: It's all right with me if you can figure out the guidelines without knowing what the issues are.

MR. SCHWARTZ: Don't you have regular rules--

MR. HALL: If I was required to, I would have to give you a fairly good idea of the other matters.

MR. SCHWARTZ: Then I will have to clarify

that we are going to have the whole thing all over again. I don't want to have it again. I want to get the rulings from the American Arbitration Association as to what matters I must bring before them.

THE ARBITRATOR: What do we want the American Arbitration Association to decide?

MR. HALL: First I want it to decide a number of questions relating to--

THE ARBITRATOR: No, no.

Off the record.

(Discussion off the record)

MR. SCHWARTZ: I want it to decide under what circumstances, after the election committee ballot the committee, makes a ruling, I am bound because of their rules to proceed further. I can't be plainer than that.

THE ARBITRATOR: That is simplified.

MR. HALL: I want the decisionmaker for the American Arbitration Association to decide prior to the actual mailing out of ballots by the American Arbitration Association that a member has a right to inspect it--

MR. SCHWARTZ: Not inspect it; you want

physical inspection.

MR. HALL: That's a different thing. A candidate has the right to inspect the membership list as required by Federal law.

MR. SCHWARTZ: We have agreed to that.

MR. HALL: I am asking that the list of all persons from whom ballots are received be maintained from week to week, be available for inspection by any candidate or member and secondly I am asking further to decide that a membership list be available of Local 88, be available in accordance with the by-laws of Local 88 any candidate, at cost.

MR. SCHWARTZ: You mean you wantphysical possession of it. Incidentally, all of what Burt is saying is in the record.

MR. HALL: I am asking that various steps be taken by the Triple A to check their existing signatures for correctness, that the membership list be examined, and so on. These are steps I want to be taken.

MR. SCHWARTZ: The International balloting committee considered a variety of items. There are a number of items that it said were addressed

to them which were outside their jurisdiction like the distribution of campaign literature. Now, our job under the International constitution--

THE ARBITRATOR: Let me just clarify this for one moment. The question here is what is the nature of the arbitration award rendered on the issues that have been appealed from--

MR. SCHWARTZ: I'm not asking an opinion from the American Arbitration Association in regard to the finality of these--

THE ARBITRATOR: I thought you were.

MR. SCHWARTZ: Very clearly I feel that I will not consent to go forward unless it is stipulated that this is final and binding.

THE ARBITRATOR: I thought you said that if the American Arbitration Association finds it within their authority that you must go ahead then you would.

MR. SCHWARTZ: Then I would go ahead whether it's final and binding or not.

THE ARBITRATOR: That's the question that has to be decided whether the American Arbitration Association can require you to go forward.

MR. SCHWARTZ: Yes, but that's not what

you said before.

THE ARBITRATOR: Suppose the American Arbitration Association has no requirement in their rules and procedures that you must go forward but they also say as a matter of law that the arbitration decision rendered in these matters is final and binding within the traditional sense--

MR. SCHWARTZ: If they say there is no requirement that we go forward unless Burt says it's final and binding I don't want the American Arbitration Association decision because frankly I think that both Burt and I would agree if he walks in here and tells you that despite what you say he refuses to be bound and you accept him under those circumstances, well, you are accepting him with those limitations. I will not permit that.

THE ARBITRATOR: Do we have enough in the record for the Arbitration Association?

Off the record.

(Discussion off the record)

THE ARBITRATOR: The legal question which the American Arbitration Association will be asked to decide is whether the Association as the

administrator of this election should in the absence of the consent of the parties have the authority within its jurisdiction to require the parties to go forward with an arbitration by the American Arbitration Association on all of the disputed issues regardless of the meaning of the phrase final and binding within the resolution of the convention.

MR. SCHWARTZ: Or the alternative position which is up to the American Arbitration Association under their own rules.

THE ARBITRATOR: Let me just say something off the record. Off the record.

(Discussion off the record)

* * *

I hereby certify that the foregoing is a true and accurate record of the proceedings.

Deborah Spalding

EXHIBIT F

MASTER MATE AND PILOTS UNION

(I.O.M.M. & P.)

Abbey-Victoria Hotel,
51st Street and Seventh Avenue,
New York, New York

December 21, 1971
9:00 o'clock A.M.

PRESIDING:

R.H. NELSON,

Committee Chairman.

ADLER REPORTING SERVICE
STENOTYPE REPORTERS
15 PARK ROW
NEW YORK, N.Y. 10038

CORTLANDT 7-3343
CORTLANDT 7-3339
NIGHT PHONE 233-3151

Present:

P.L. Mitchell, Committee

H.L. Nereaux

Arthur L. Holdeman,
For Ashley Gordon and Victor Soto

Lloyd Sheldon,
For himself and Charles Norstrand, Nicholas LaRocca and Cornelius Coyle

Burton Hall, Esq.,
Attorney for Sheldon, Koonce and Norstrand

Amos E. Koonce,
For himself

Lawrence A. Burlingame

Charles A. Hemming

Maria M. Perez, AAA

Peter McKenney, AAA

Lester Wolff, AAA

Richard Polachek

K. Camisa

R. Lowen

R.H. Nelson, Committee Chairman

Marvin Schwartz, Esq.,
Attorney for Committee

Joe Valensi, Committee

(cont'd)

Present (cont'd):

George Eisenhauer, Committee

Lester Reynolds, Committee

Margaret Carlson, AAA

Morris Weinstein

Frank Scavo

- - -

THE CHAIRMAN: Shall we proceed?

MR. HALL: Well, to begin with, there are a couple of matters left over from the other hearing which I mentioned off the record. We can go on the record.

There was, at the end of our hearing, an undertaking by the international organization to pay expenses of stenographic records. Also received, mostly for myself, certain exhibits. The undertaking was to make copies of those exhibits and return them along with copies, to the person submitting them and give copies to all the parties.

I don't believe that's been done, and as to

the agreement to pay the expenses, that's been done only in part. One member will pay the $50 towards the stenographic record as a down payment to get the court reporter here, has not been reimbursed. Request has been made for his reimbursement, but that request has been refused by the international union.

The requesting member is Captain Holdeman, and all requests by him or on his behalf to have his $50 paid, has been refused. That seems to be contrary to the agreement as recorded in the minutes earlier.

Also, I'm informed by Mr. Schwartz just off the record today, that he does have those exhibits and will return them and I accept his statement.

MR. SCHWARTZ: Yes, I will.

MR. HALL: I'm just repeating.

MR. SCHWARTZ: And Arthur and I will negotiate the fifty bucks. If we disagree, you can be the arbitrator, how is that?

MR. HALL: I accept the designation.

MR. SCHWARTZ: You accept the designation. He wants fifty bucks for his fee, Arthur, for serving as arbitrator.

MR. HALL: The constitution -- I can't find the section offhand, provides that charges to the election be made by a candidate at the time of the election. I assume that time is now: Article V, I assume that time is now, and I propose on the part of my clients to make some of those objections now.

Other written objections which come in during the court of the ballots will be submitted on behalf of the candidates who send them in. I understand that it could be made now or it could be made during the count, is that correct?

MR. SCHWARTZ: That's correct.

MR. HALL: Is it correct that submitted complaints at this point is itself full exhaustion of our remedies?

MR. SCHWARTZ: I would say so, sure.

MR. HALL: Very well. First of all, on behalf of Mr. Koonce, who is candidate for vice-

president, I am submitting two copies which I guess is for the Triple-A, one for the international, of written polls in the form of a letter, dated December 21st, addressed to both the International Ballot Committee and to Mrs. Carlson of the AAA. It's a three-page letter. The precise number of violations, the first of which is the publication by the international officers, or by the international union, at the behest of the international officers, that if certain campaign literature, which was published and printed and distributed to union members, at union's expense and with the use of the union's mailing lists, union moneys received by way of dues, assessments and other levies, were expended on this campaign literature, and no similar opportunity to distribute literature was afforded or the use of the union's mailing list was afforded opposite candidates, until very late in the campaign, and that opportunity itself was limited to only a handful of candidates, or one candidate.

The three campaign documents are the documents called the 60 Convention Newsletter which was the subject matter of a certain report a short time ago; the August 1971 issue of the official Journal of the Union, the Master Mate and Pilot, which was given over in large measure to campaigning; and finally, a document which has recently been distributed only a few weeks before the close of the election, which masquerades as a report of the affiliation of the union with the International Longshoremen's Association, and which contains a long campaign statement bearing the signature of the incombent international president along with the president of the Longshoremen's Association, promising -- making all kinds of campaign promises, and promising all the good things that they said they are going to do.

Additionally, this challenge recites the fact that Local 47 and its members were barred from taking part in this election; they were not given notice of an election, they were not sent

ballots, they were never given any opportunity to vote or otherwise take part in the election or to run for office.

It recites a number of other objections to the election, challenges to the election. I won't read them all individually here, because I think they're all in writing, and they're all in the record here. I believe that Mr. Sheldon also has -- well, he can speak for himself.

I'd like to draw the Ballot Committee's attention also to some communications that have been sent --

MR. SCHWARTZ: Just wait a minute. Can we mark them? All right. That was all with regard to this -- the letter dated December 21st.

Are you now going to start on another one?

MR. HALL: Yes.

MR. SCHWARTZ: All right, let's have this marked as -- can we call it Hall Exhibit No. 1?

MR. HALL: Very good. Okay.

MR. SCHWARTZ: Okay.

(Letter dated December 21st above referred

to was received and marked as Hall Exhibit 1 by the reporter.)

MR. HALL: I'd like to draw the Ballot Committee's attention also, and make this as an appeal for a challenge, to a letter addressed to Mr. Strauss and Mrs. Carlson as officers of the American Arbitration Association, by Jack Olfeld, Jr., dated December 13, 1971.

The letter specifically is in reference to the referendum recently conducted, but each one of the objections made there applies also to this election.

Mr. Olfeld wishes this letter to be accepted both as an objection to the referendum which has already been received, and also to this election, and therefore I ask orally, that this letter which is available to you, be accepted by the Ballot Committee as a challenge.

Shall I read it into the record? I have only one copy with me.

MR. SCHWARTZ: Do you want to let me make copies of this? Maybe we can have them made

before we leave today.

MR. HALL: I'll submit this copy to you. I would like a copy in return.

MR. SCHWARTZ: Okay.

MR. HALL: And this is an additional challenge on the part of Jack, also.

MR. SCHWARTZ: All right. Thanks. Mark it, please.

(Letter dated December 13, 1971, above referred to, was received and marked by the reporter as Hall Exhibit 2.)

MR. SCHWARTZ: Hold it just a minute, while we take a look at it.

(Mr. Schwartz examines Exhibit 2.)

MR. SCHWARTZ: Well, Burt, let's wait a minute on this Exhibit 2, and see if there are any elaborations that might be helpful.

MR. HALL: In what respect?

MR. SCHWARTZ: Well, let me just look at it. For example, you say there was no certification as to where the ballots were printed, and thus the printer remains unknown.

Do you mean no publication of who the printer was, is that what you mean?

MR. HALL: I understand that the printer, judging by his union being on the ballot, is somewhere in Baltimore, and has been in touch with the national office in the past, and are printing for them, but there's been no announcement by the Triple-A to us as to who this printer is, and it's been our understanding that until recently, at least, the Triple-A didn't even know who that printer was.

MR. SCHWARTZ: I don't know how that could have been. All right.

MR. HALL: Is that still the case, Mrs. Carlson?

MRS. CARLSON: No, it is not.

MR. HALL: When did you find out who the printer was?

MRS. CARLSON: Just before the ballot -- the referendums were printed.

MR. HALL: Just before they were printed?

MRS. CARLSON: Yes.

MR. HALL: In August of this year?

MRS. CARLSON: Yes, that's when we printed them.

MR. SCHWARTZ: I think that's right, Burt. I don't think there's any misunderstanding on that.

MR. HALL: I believe that the people on our side were informed that -- either in September of October, that the Triple-A did not know about it.

MR. REYNOLDS: That's in the record.

MR. HEMMING: I ask the name. It wasn't given to me. I asked who it was. I was curious to know.

MR. SCHWARTZ: Whom did you ask?

MR. HEMMING: Mrs. Carlson.

MR. HALL: I have a number of other letters. This time from Mr. Hemming.

MR. SCHWARTZ: About who the printer --

MR. HALL: No, these are objections made at various times.

MR. SCHWARTZ: Burt, why don't you wait a

minute. Let me run through the rest of this list, and see if we have any other questions about it, okay?

MR. HALL: Yes.

MR. SCHWARTZ: Number 3, does that relate to being able to actually have the list, or is that that you didn't have a chance to inspect the list?

MR. HALL: Would you read it to me?

MR. SCHWARTZ: "I.O.M.M.& P. Candidates for re-election were denied the right to freely and voluntarily inspect the election lists."

Would you elaborate on that?

MR. HALL: First of all, Local 88 bylaws provide that the union shall make available to any candidate who has cause, a certified mailing list. The meaning of this provision, or obviously on its face, is made even clearer by the practice of the union through as late as 1965 and up to 1967, which has been that the union will provide a copy, a certified copy of the mailing list, to any candidate who asks for

it and who pays the necessary Xeroxing or other costs of making the copy.

I have such a copy dated 1963 in my office, given to a certain Captain Logan, who was at that time a candidate for office. All he did was pay for it. The same has been done generally by the union, and the union and its newspaper has announced this fact, that is, that it's the right of a candidate to buy such a copy for his use as a candidate, or for any other use.

This was the purpose of the bylaw when it was adopted, the universal understood meaning of the purpose of the bylaw. It's also the obvious meaning of the bylaws to anyone who reads it on its face. This right has been refused again in this election. Candidates, Mr. Soto and others, have requested copies of this mailing list, certified copies up to this date of the mailing list, offered to pay for them in accordance with the bylaws, and their requests have been refused.

The only ones that have been allowed copies

of the bylaws -- copies of the bylaws have been the company officials running for re-election.

That, I believe, is the meaning of that paragraph. That is one of the meanings intended by that paragraph.

MR. SCHWARTZ: You are talking about the bylaws of 88? I think you said that.

MR. HALL: We're limiting ourselves to Local 88, correct. However, Mr. Olfeld and others, especially those who are out of New York, have been barred from an opportunity to inspect the mailing lists of the International, and in other locals or other parts or divisions, inland divisions.

The only lists made available have been made available in New York City, which is obviously an unreasonable requirement. Some are in New Orleans, and San Francisco, and if that objection is not explicitly made in Mr. Olfeld's letter, I don't know at this point whether it is or not, since I don't have a copy before me, I wish to make that objection in his behalf, and on

behalf of the other candidates, specifically those from out of town, Mr. Gordon as well and Mr. Bush from New Orleans.

MR. BURLINGAME: And Mr. Sawyer.

MR. HALL: And Mr. Sawyer. Each one of these candidates, as well as the other candidates, was compelled, if we wish to examine the lists, to fly to New York. He was given no other opportunity to examine the lists, so as a practical matter, he was compelled to go to this election blind, because while his opponent had access to the lists, that is to say, the incumbent officers had access to the lists, the opposition candidates did not have access to the lists, and could not even look at them.

That, I believe is -- if it's not embraced in that paragraph, it should be.

MR. SCHWARTZ: Okay, you've got another one. You've got another -- you started to read from another paper.

MR. HALL: I've got some other letters.

MR. SCHWARTZ: All right.

MR. HALL: While we're on the subject, however, I'd like to add an oral objection which I don't believe has been made in writing.

The notice of elections that was sent out on the date of April 30th, to all officers and division members, contained, under each of the separate court notices, a statement under the heading: "Distribution of Campaign Literature," and those notices stated that independent mailing service, San Francisco, Seattle, Portland and Wilmington, that's in the case of the California notice, the New Orleans notice has an independent mailing service in New Orleans, the Baltimore notice has an independent mailing service in Baltimore, and so on, and will be maintained for the mailing out of campaign literature, and the candidates are instructed to submit documents for mailing to these various independent mailing services.

In fact, however, no independent mailing services in these different cities was set up, and candidates, as I'm advised, were required to

come to New York or send the matter to New York for mailing, and they were only -- and they were not given any written notice of this obligation, so they had to find out for themselves.

I would say again, that this is an unfair treatment of out of town -- out-of-town opposition candidates. Obviously, the incumbents were running for election at these various ports, and had knowledge of what they could do and not do, but the opposition was obviously misled by the International, and the false information given them in this notice of information was not even corrected.

Additionally, the very fact that they had to come to New York to send up literature, was an unfair discriminatory treatment of them. I would also like to submit the papers I mentioned, and made reference to before. These are various letters submitted by Mr. Hemming, who is a candidate for Port Agent, New York. I have them -- I'll try to put them in chronological order.

Well, I'll not try to put them in chrono-

logical order; I'll just identify them one by one. The first I have is a three-page letter dated December 7th, from Mr. Hemming, addressed to Mr. Strauss of the American Arbitration Association.

I hand it to them.

MR. SCHWARTZ: Let them mark them as you go along.

(Document referred to above was received and marked as Hall Exhibit 3 by the reporter.)

MR. SCHWARTZ: You have the other one?

MR. HALL: Second is a letter dated December 13th from Mr. Hemming to Mr. Lowen, secretary-treasurer of the union.

(Document referred to above was received and marked as Hall Exhibit 4 by the reporter.)

MR. HALL: The next is a letter of the same date, December 13th, addressed to Captain Scavo, executive assistant Port Agent, from Mr. Hemming.

(Document referred to above was received and marked as Hall Exhibit 5 by the reporter.)

MR. HALL: The next is a letter dated October 11, 1971 addressed to Mrs. Carlson of the Triple-A, from Mr. Hemming, a two-page letter.

(Two-page letter dated October 11, 1971, referred to above, was received and marked by the reporter as Hall Exhibit 6.)

MR. SCHWARTZ: Okay. That's -- is that it, Burt?

MR. HALL: Those are my written challenges. Well, I believe some of the candidates may have some to submit of their own.

MR. SCHWARTZ: Okay.

THE CHAIRMAN: Would the candidates like to submit them?

Mr. Sheldon?

MR. SHELDON: In my own behalf, I wish to submit the same challenges that were submitted in behalf of Mr. Koonce.

I have here a copy of the Baltimore Committee, and one copy for the AAA. Those are identical to what was the submission by Koonce.

MR. SCHWARTZ: We'll mark this Sheldon's Exhibit 1, all right. So we can keep that.

(Document above referred to received and marked by the reporter as Sheldon Exhibit 1.)

MR. SCHWARTZ: Do you want to wait just a second, Lloyd, until we get a chance to look at it?

MR. SHELDON: Yes.

MR. SCHWARTZ: Okay.

MR. SHELDON: Mr. Chairman, may I proceed?

THE CHAIRMAN: Yes.

MR. SCHWARTZ: Yes.

MR. SHELDON: I have here a letter from Charles Norstrand addressed to the International Baltimore Committee, and to Mrs. Margaret Carlson, director, American Arbitration Association, and I'll read that letter:

"Dear Sirs and Madam: Please be advised herewith, on the appointment of Captain Lloyd W. Sheldon as my representative, observer at the time of counting of the ballots, and any and all challenges he may present to you in my behalf as

a candidate for the office of international secretary-treasurer."

And this is signed Charles L. Norstrand, member Offshore Division, OA-1, 18, 7174, Book 641, former Local 24, 320 South Surf Road, Apartment 605, Hollywood, Florida, 33020; and Mr. Chairman, these submissions by Captain Norstrand are identical to those submitted by Brother Koonce, and by myself.

MR. SCHWARTZ: Well, suppose we mark the letter dated December 18th from Charlie Norstrand as Sheldon Exhibit 2.

(Letter dated December 18th, referred to above, was received and marked by the reporter as Sheldon Exhibit 2.)

MR. SCHWARTZ: And the letter dated December 21st from Charlie Norstrand as Sheldon Exhibit 3.

(Letter dated December 21st, above referred to, was received and marked by the reporter as Sheldon Exhibit 3.)

MR. SCHWARTZ: One of these is a copy, Lloyd.

Do you want it back?

MR. SCHELDON: I don't know. I think it would be proper to submit -- I would like it back.

MRS. CARLSON: I haven't got a copy of it.

MR. SCHWARTZ: We'll give it to you all at once.

MRS. CARLSON: All right, take it back.

MR. SCHWARTZ: Lloyd, we're going to make copies of everything. It would probably be easier if we just made one copy, give it back to Lloyd. We'll make copies for everybody.

MR. SHELDON: Okay. May I proceed?

THE CHAIRMAN: Yes.

MR. SHELDON: I have here a letter from Captain Nicholas LaRocca. Mr. LaRocca resides at -- well, first, he's authorizing me to represent him. LaRocca resides at 1514 Oakland Drive, Metairie (phonetic), Louisiana.

His book is number 320074195. I'll read his letter before I submit it. This is addressed to me. it says:

"Dear Brother: This is to certify that I authorize Captain L. Sheldon to represent me in counting the ballots on December 21, 1971. Let me reiterate that I was denied the right to examine the mailing lists of members for Local 15 and also I was not assigned a mailing service until eight days prior to mailing the ballots," and this is signed by LaRocca, and in his behalf, I am submitting also, in addition to what he states here, the same challenges that were submitted by Brother Koonce.

MR. SCHWARTZ: The letter of December 21st by LaRocca,will be marked as Sheldon's Exhibit 4.

(Letter above referred to was received and marked by the reporter as Sheldon's Exhibit 4.)

MR. SCHWARTZ: And the letter of December 18th by LaRocca, will be Sheldon's Exhibit 5.

(Letter of December 18th, above referred to, was received and marked by the reporter as Sheldon's Exhibit 5.)

MR. SHELDON: Mr. Chairman?

THE CHAIRMAN: Yes?

MR. SHELDON: I'm not quite finished with LaRocca at this time. The notices of election that were sent out of April 30, 1971, Notice of Elections, of Offshore Election Officers, City of New York, under the heading of "Campaign Literature" -- pardon me, New Orleans, will you correct me, please; an independent mailing service in New Orleans will be used for the mailing of campaign literature by candidates.

Candidates will be required to submit such documents and mailing service along with the paying of necessary costs. Candidates will be permitted to inspect the lists of members where eligible to receive ballots in accordance with federal law.

Mr. Chairman, I have one more person who has asked me to represent him here --

MR. SCHWARTZ: Lloyd, was that a letter or something? Do you want to have that marked?

MR. SHELDON: I'd like to have it marked, but it's the only copy I have. These things

are -- everybody's got these things. You're familiar with them.

MR. SCHWARTZ: All right.

MR. HALL: This is a document published by the International --

MR. SCHWARTZ: All right, that's fine.

MR. HALL: I believe there's a date on the front.

MR. SHELDON: April the 30th.

THE CHAIRMAN: Go ahead.

MR. SHELDON: Mr. Chairman, I have a letter here, copies of which have been sent to the AAA, care of Mrs. Margaret Carlson, also to you as chairman of the Ballot Committee, and this letter is from Cornelius F. Coyle, Sr., number 438012243, and he's a candidate for office of the executive assistant Port Agent, New Orleans, I believe.

I'll read this letter for the record. This is addressed to me. It states as follows:

"This letter will serve to have Lloyd Sheldon, candidate for international president,

I.O.M.M.&P., act as my representative in my behalf contesting the election of officers for the Offshore Division for the Port of New Orleans, I.O.M.M.&P., which ballots are now being counted on 9 A.M. Tuesday, December 21, 1971. I hereby contest the election on the following grounds:

"One, I was refused the opportunity to inspect the mailing lists or the membership -- or the membership of eligibles who vote in the election of Officers for the Port of New Orleans, Offshore Division of I.O.M.M.&P.

"Two, I was not given the opportunity to inspect the mail address of the ballots asked," and in parentheses,"'duplicate ballots,' and the addresses that they were sent to for the voting of this election. This is to certify that I, Cornelius F. Coyle, Social Security No. 438012243, candidate for the position of the executive assistant Port Agent, Port of New Orleans, I.O.M.M.&P., hereby request that Captain Lloyd Sheldon act as my representative

EXHIBIT G

in the above matter."

This is signed by Brother Coyle.

MR. SCHWARTZ: This is a letter of December 18th, by Cornelius Coyle. It will be Sheldon's Exhibit 6.

(Letter of December 18th, above referred to, was received and marked by the reporter as Sheldon's Exhibit 6.)

THE CHAIRMAN: Go ahead, Mr. Sheldon.

MR. SHELDON: Mr. Chairman, I want the record to reflect, of course, that this doesn't necessarily pre-empt me from further challenges, that I may also receive further authorization from other candidates to represent them at the ballots.

I assume that according to the provisions of the constitution, the challenges may be submitted at any time during the ballot count.

THE CHAIRMAN: If there are grounds for the challenges, yes, and you have written -- you will have written authorization from various candidates. Do you expect to get them?

MR. SHELDON: Yes.

THE CHAIRMAN: They will certainly be on it.

MR. HALL: While we're -- Mr. Sheldon is through. I would like to add one point which doesn't seem to be clearly made in this written document of the number of candidates to put in.

MR. SCHWARTZ: Which one is that?

MR. HALL: The letter dated December 21st.

MR. SCHWARTZ: Is that the Sheldon Exhibit 1?

MR. HALL: Yes.

In paragraph number 2, with reference to Local 47, I remark -- the letter remarks that the members of Local 47 were denied the right to vote.

It's true they were; and they were given no opportunity to get ballots, and they were not given any notice of election, additionally, of course, and I believe I mentioned earlier, but I would like to stress it, members of Local 47 were also denied a reasonable opportunity for the

nomination of candidates.

There was no opportunity at all for members of Local 47 to nominate candidates or to be candidates, and they were discriminatorily denied this right, because while others were allowed to nominate candidates or be candidates, the members of Local 47, simply because they were members of Local 47, were denied those rights.

That, I think -- that's simply, I say, supplemental to what's said in the letter, additionally, of course, that they were not going to vote.

Oh, I'd like to make one other objection: that isn't made -- that I don't believe is made in the writing. An election supplement was published by the International Union in accordance with the International Constitution, which requires that it be done, and that it be done nondiscriminatorily.

The picture of all the incumbent officers who are running for re-election appears in that supplement. They were chosen by themselves to

make each other more presentable from the most favorable light. Yet, several opposition candidates who submitted pictures, Mr. Clifford in particular, didn't have their pictures printed at all. Instead, a blank space appeared there and a notice to the effect that they had not submitted the pictures.

The effect upon voters, of course, was to give the impression that these were not serious candidates.

I think in the case of Mr. Clifford, that's not the case that I know of. I know that he did submit a picture in accordance with the rules, but it was not printed. There were other instances where there were letters submitted by the candidates, chosen by the candidates, were refused by the incumbent officials, and pictures chosen by the incumbent officials of those candidates were printed instead.

Presumably, the incumbent officials chose pictures of the opposition campaign candidates which they thought would less favorably depict

their opponents.

I make that objection also as to the -- in addition to the fact that many pictures were not printed at all. Aside from that, I think we've covered it.

THE CHAIRMAN: Any further challenges at this time? Or any suggestions?

MR. HALL: At this point -- excuse me.

THE CHAIRMAN: Mr. Burlingame?

MR. BURLINGAME: I have challenges very similar to Captain Holdeman's, the Norstrand Burlingame.

I'm a candidate for assistant Port Agent No. 1, Port of New York.

MR. SCHWARTZ: Let the record -- this will be Burlingame Exhibit 1, a letter of December 21st --

MR. HEMMING: I've got some challenges here I'd like to submit.

THE CHAIRMAN: Let us get through with Mr. Burlingame.

MR. SCHWARTZ: Just a minute.

MR. HEMMING: Yes.

MR. SCHWARTZ: Addressed to the International Ballot Committee of Margaret Carlson. This would be Burlingame Exhibit 1.

(Letter of December 21st, above referred to, was received and marked by the reporter as Burlingame Exhibit 1.)

THE CHAIRMAN: Anything further, Mr. Burlingame, on your own behalf?

MR. BURLINGAME: I don't want to challenge, but I'd like to ask Mrs. Carlson a question through the Chair.

THE CHAIRMAN: Go ahead.

MR. BURLINGAME: Mrs. Carlson, you had an assistant by the name of Sam, who was working together with us or along with us.

MRS. CARLSON: Sam Tannenbaum.

MR. BURLINGAME: What was the name?

MRS. CARLSON: Tannenbaum.

MR. BURLINGAME: I understand he's no longer with the association.

MRS. CARLSON: That's right.

MR. BURLINGAME: This question may or may not be relevant to the election here.

Were his services terminated with reference to the ballots?

MRS. CARLSON: Do you want the truth? He resigned.

MR. BURLINGAME: He resigned?

MRS. CARLSON: He resigned because he couldn't take the hours the Election Department put in.

MR. BURLINGAME: Thank you.

MR. HALL: I'd like to make one typographical error, I guess, in one of the copies of this letter, of this December 21st letter.

On page 2, paragraph 5, second line, the last portion of that line should read: "But was and is partisan."

THE CHAIRMAN: Brother Hemming?

MR. HEMMING: Two copies of the same.

THE CHAIRMAN: You wish to speak on this, Brother Hemming?

MR. HEMMING: No, they have been submitted

before.

THE CHAIRMAN: That's your exhibit.

MR. SCHWARTZ: All right, this letter is dated December 21st, submitted by Charles Hemming, consisting of three pages. We will have itmarked Hemming Exhibit 1, please.

(Letter dated December 21st, above referred to, was received and marked by the reporter as Hemming Exhibit 1.)

THE CHAIRMAN: Anything further?

Arthur Holdeman, you have the floor.

MR. HOLDEMAN: Well, I have a letter here. You asked me to represent Victor Soto on this date. I have a list of challenges which I wish to put on in his name, which I'll pass down. There's no point in reading them out.

MR. HALL: Would you identify them?

MR. SCHWARTZ: I'll identify them. Let me mark them, Art.

MR. HOLDEMAN: Yes.

MR. SCHWARTZ: This will be -- the first one is a letter from Victor Soto to Arthur

Holdeman, dated December 17th.

We'll mark that as Holdeman Exhibit 1.

(Letter of December 17th, above referred to, was received and marked by the reporter as Holdeman Exhibit 1.)

THE CHAIRMAN: Anything further, Arthur?

MR. SCHWARTZ: We'll have to mark the other one, too.

THE CHAIRMAN: Oh.

MR. SCHWARTZ: Then there's a letter dated December 21st, addressed to the International Ballot Committee and Margaret Carlson, signed by Victor Soto, and that can be Holdeman Exhibit 2.

THE CHAIRMAN: All right.

(Letter dated December 21st, above referred to, was received and marked by the reporter as Holdeman Exhibit 2.)

THE CHAIRMAN: Anything further?

MR. HOLDEMAN: Now, I have a telegram authorizing me to represent Ashley Gordon, and verbal protests in his behalf as he understands it.

The contract signed by the AAA did not cover the printing of the ballots, and of course, to an ordinary man's understanding, that means they're just going to give an honest count on an otherwise election.

Other protests is the sloppy mailing lists. There was a high percentage of Offshore ballots, particularly 88, some twenty that were withdrawn with the last referendum concerning the merger. As a matter of fact, not only some men were dead, some were retired, and withdrawn from the organization, but there were a copy of applicants that were added to the mailing lists, and since the members as a whole don't know all the other members in the organization, it's very difficult for them to pick out those who are not entitled to a vote.

It should have been part of the organization's officials, or the ballot committee, to make sure that this was properly -- the mailing list was properly trimmed before they were mailed.

He also has a list of challenges here which I'll submit in his name. Also, I assume you want the copy of the telegram, and of course the additional protests against the International literature that was paid by the International and was campaigning literature which had been mentioned in other protests by other candidates.

MR. SCHWARTZ: All right, we'll mark the December 21st letter addressed to the International Ballot Committee, signed -- this is Nereaux, this is yourself?

MR. NEREAUX: We'll get to that when I speak. I'm also a representative of Gordon.

MR. SCHWARTZ: Oh, all right, okay, we'll mark this as Holdeman's Exhibit 3.

(Letter of December 21st, above referred to, was received and marked by the reporter as Holdeman Exhibit 3.)

MR. SCHWARTZ: And then the telegram from Ashley Gordon, authorizing Holdeman to act as official observer, we'll mark as Holdeman Exhibit 4.

(Telegram referred to above was received and marked by the reporter as Holdeman Exhibit 4.)

THE CHAIRMAN: Brother Nereaux?

MR. NEREAUX: I have some challenges as Koonce Exhibit 1.

I also have a telegram advising me to act in Ashley Gordon's behalf.

Also, a letter from William Sorrentino, and our protests are similar as Exhibit No. 1.

MR. SCHWARTZ: Is that Sorrentino, protest, or is that also as an observer?

MR. NEREAUX: Authorization, and I have a protest from him.

MR. SCHWARTZ: Can we have those, and have them marked?

MR. NEREAUX: Yes.

THE CHAIRMAN: You've got some more?

MR. NEREAUX: In my behalf, Sorrentino, and Ashley Gordon.

MR. SCHWARTZ: Well, there's another telegram here from Ashley Gordon designating you,

Henry, to act as his observer. The rule generally is that each man gets one observer.

Are you his alternate, is that the idea?

MR. NEREAUX: In the event he ships out, I'll be the alternate.

MR. SCHWARTZ: So this will be Nereaux' Exhibit 1.

(Document above referred to was received and marked by the reporter as Nereaux Exhibit 1.)

MR. SCHWARTZ: And then there's a letter dated December 17th, addressed to "All Candidates," from Margaret Carlson, and on the bottom of that letter, there's some printing by Sorrentino, designating Mr. Nereaux as his observer; and that will be Nereaux Exhibit 2.

(Letter of December 17th, above referred to, was received and marked by the reporter as Nereaux Exhibit 2.)

THE CHAIRMAN: Do you have anything further, Mr. Nereaux?

MR. NEREAUX: Yes.

MR. SCHWARTZ: Wait a minute. I haven't

marked them all yet.

THE CHAIRMAN: Excuse me.

MR. SCHWARTZ: I haven't marked them.

Henry, you want to use just one?

MR. NEREAUX: Right.

MR. SCHWARTZ: The one that's signed for both?

MR. NEREAUX: Right.

MR. SCHWARTZ: There's a letter of December 21st, addressed to the International Ballot Committee, and Margaret Carlson, signed by Mr. Nereaux for Mr. Sorrentino.

We will consider as signed by both of you.

MR. NEREAUX: Right.

MR. SCHWARTZ: And submitted on both your behalfs, and that would be Nereaux Exhibit 3.

(Letter of December 21st, above referred to, was received and marked by the reporter as Nereaux Exhibit 3.)

MR. SCHWARTZ: Now, we have another copy of that December 21st letter, signed by Nereaux for Ashley Gordon, and we'll mark that Nereaux

Exhibit 4.

(Another copy of letter of December 21st, above referred to, was received and marked by the reporter as Nereaux Exhibit 4.)

MR. SCHWARTZ: We have a copy of a letter dated December 21st. I see this is yours, Henry. Maybe it will be just as well to mark it separately so there's no confusion.

MR. NEREAUX: Yes.

MR. SCHWARTZ: And that will be on your behalf, and it's Nereaux Exhibit 5.

(Copy of letter of December 21st, above referred to, was received and marked by the reporter as Nereaux Exhibit 5.)

THE CHAIRMAN: Anything further, Brother Nereaux?

MR. HALL: In connection with the challenge that's been mentioned, or the challenge that's been mentioned concerning the fact that the printing of the ballots were turned over to a printer in Baltimore who was only thereafter identified to the Triple-A, the Triple-A stated that they

learned the name of the printer only just before the ballots went out.

I'd like to draw the Ballot Committee's attention to Article V, Section 8(d) of the Union, International Union's Constitution, which provides that immediately following the tenth day of the close of the nominating period, which I believe was sometime in July, the impartial balloting agency, that of course means the Triple-A in this instance, under the supervision of the International Ballot Committee, shall prepare the official ballots and shall mail one such ballot to each member of the organization who's not been suspended for nonpayment of dues, every time the ballots are mailed out.

Instead, it would appear that the ballots were printed without the participation of the AAA, and without even advising the AAA until after they'd been printed, just who it was who printed them, and therefore, without any safeguards over the printing of excess ballots or the phonying of ballots generally, and with the

result that it became possible to flood the election with any number of phony, improper ballots.

In view of that fact, and in view of the fact that it constitutes a direct violation of the constitution, I would like to emphasize the seriousness of the way in which the ballots were printed.

That's all. On another point -- all right, I'll hold that until we get through.

THE CHAIRMAN: Brother Nereaux, do you have something further?

MR. NEREAUX: Yes. I further have a challenge on the sloppiness of the preparation of the mailing lists.

On this particular point, we were requested or informed to bring in X number of ballots, and in this particular case, 2,000 self-addressed envelopes, with the return address on it, and they were mailed out, and no thought was given to the fact that many of our members live out of the country, and in that sense a stamp was not sufficient

for delivery, and subsequently, I have six envelopes that were returned for lack of postage, and the candidates were never -- the members were not -- did not receive the publication from the candidates.

THE CHAIRMAN: Anything further?

MR. NEREAUX: That's all I have on the challenge.

THE CHAIRMAN: Do you have anything further to add, Brother Hall?

MR. HALL: In regard to the ballots which begin tomorrow, I'd like to point out to the Ballot Committee a number of things:

One is the fact that there is no -- on the ballot as printed, there was no formal line for a write-in, casting of a write-in vote.

Presumably, some members did seek to cast write-in votes. I would suggest that write-in votes be respected by the Ballot Committee, and the ballots be properly counted for the write-in candidates, as well as for the other candidates marked on the ballots.

I'd like to also draw attention to the two challenges made at the bottom of each copy of each December 21st letter. One challenge is directed to your own ballots that are not postmarked as the constitution requires. As you know, the constitution requires that only ballots postmarked within the period be counted.

It's my understanding that the Post Office will postmark every piece of mail that is sent singularly or individually through it. Only letters which are sent in bundles are unpostmarked, and mistakes are very unusual in this area.

The second challenge mentioned, unless I see no reason why illegitimately cast ballots should not have a postmark on it, and I would suggest to you that any ballot which does not, not only violates the International Constitution, but is prima facie and illegitimate.

Secondly, drawing attention to the second challenge in the bottom of this letter, which is as to the ballots cast by persons whose good standing has not been confirmed or is not confirmed

by the official record of the union.

As you know, the union constitution requires the secretary-treasurer to keep records of the payment of dues of each member. These records are available, and should be available, and the check should be made -- and a check can be made, and should be made of each of the voters, to determine whether the voter's ballot is being cast by a person able to vote or not, in connection with the duties to maintain these records and a listing.

I would draw attention to Article VI, Section 3(b) of the International Constitution. It requires not only an accurate record; it requires of the secretary-treasurer to keep an accurate list of all the members in regard to dues and other payments, and this list will be referred to as we go over the ballots themselves.

I think that's all we have.

MR. NEREAUX: I have a further protest.

THE CHAIRMAN: Brother Nereaux?

MR. NEREAUX: According to the Local 88

constitution, or as a Local 88 election has been conducted, we've always had a signature expert, a handwriting expert, to verify signatures.

Now, in the past, we -- I'm protesting to the use of the past signatures. I have wanted new signatures there which were discussed the last time we met here, signatures for 88. We were informed that we'd be getting new signatures, not the signatures we've used in the past.

THE CHAIRMAN: Are you referring to signatures to compare with the signatures on the ballots?

MR. NEREAUX: Yes, the Local 88 ballots, right.

THE CHAIRMAN: I see.

Gentlemen, if you're through with your challenges and protests, at this time the Election Committee is going to go into executive session in order to consider them, and after lunch, we'd like to meet with you again at a time convenient to both of us. I'd suggest about 2:30.

MR. HALL: I'd like to raise one point that

Mr. Hemming advised me of while we were speaking. It would be helpful, I think, if the Triple-A would advise us, perhaps on the record, as to specifically what safeguards were undertaken at the time ballots were sent out.

MRS. CARLSON: Which ballots?

MR. HALL: Ballots to members.

MRS. CARLSON: The election or the referendum?

MR. HALL: This is the election.

MRS. CARLSON: Because you've been a little confused, Burt, on the statement that you made, that I did not know the printer. I know the printer prior to the election of officers.

THE CHAIRMAN: Mrs. Carlson, this is premature.

MRS. CARLSON: I'm sorry.

THE CHAIRMAN: We will answer those questions.

MR. HALL: You learned who the printers were after the signing of the referendum and the ballots?

MRS. CARLSON: Yes.

THE CHAIRMAN: You're premature in discussing

CONSTITUTION
of the
INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS

October 1, 1970

EXHIBIT A

TABLE OF CONTENTS

	Page
PREAMBLE	1
ARTICLE I—ORGANIZATION	1
Section 1. Name and Principal Office	1
Section 2. Structure and Composition	1
Section 3. Objectives and Purpose	2
ARTICLE II—JURISDICTION	2
Section 1. General	2
Section 2. Jurisdiction Hereinafter Granted	3
ARTICLE III—MEMBERSHIP	3
Section 1. Eligibility and Application Procedure	3
Section 2. Duties of Members	4
Section 3. Rights of Members	4
Section 4. Membership Standing	6
Section 5. Reinstatement of Membership	7
Section 6. Honorary Members	8
Section 7. Applicants for Membership	8
ARTICLE IV—CONVENTIONS	9
Section 1. Authority and Power of Conventions	9
Section 2. Place, Date and Notice	9
Section 3. Representation	10
Section 4. Election and Credentials of Delegates	10
Section 5. Committees	12
Section 6. General Conduct of Convention	12
Section 7. Special Conventions	13
Section 8. Constitutional Conventions	13
Section 9. Records and Publication of Actions	14
Section 10. Verbatim Records	14
Section 11. Proxy Votes	14
ARTICLE V—INTERNATIONAL OFFICERS AND GENERAL EXECUTIVE BOARD—ELECTION PROCEDURES	14
Section 1. Notice of Elections	14
Section 2. International Officers	14

EXHIBIT A

Page

Section 3. Election of Officers and Term of Office 15
Section 4. Eligibility for International Office 16
Section 5. Nominations 16
Notification to Nominees 17
Acceptance of Nomination 17
Section 6. Election of International Ballot Committee 18
Section 7. List of Eligible Voters 18
Section 8. Balloting Procedure 18
Section 9. Miscellaneous Election Matters.... 21
Section 10. Vacancies in Office 21
Section 11. General Executive Board 21
Section 12. Suspension and Removal of International and Subordinate Body Officers 22

ARTICLE VI—AUTHORITY AND DUTIES OF INTERNATIONAL OFFICERS AND INTERNATIONAL SUBCOMMITTEE 22

Section 1. Duties of International President 22
Section 2. Duties of International Executive Vice President 25
Section 3. Duties of International Secretary-Treasurer 25
Section 4. Duties of the International Subcommittee 27
Section 5. Remuneration of International Officers 27

ARTICLE VII—GENERAL EXECUTIVE BOARD 28

Section 1. Voting Procedure 28
Section 2. Meetings 28
Section 3. Duties and Authority 28

ARTICLE VIII—REVENUE AND FUNDS 30

Section 1. International Dues 30
Section 2. Initiation Fees 31
Section 3. Charter Fees and Assessments 32

Page

Section 4. Other Income 32
Section 5. Timely Payment 32

ARTICLE IX—SUBORDINATE BODIES 33

Section 1. Application for Charter 33
Section 2. Consolidation of Subordinate Bodies 33
Section 3. Jurisdiction 33
Section 4. Government 34
Section 5. Safeguards Against Improper Disciplinary Action 34
Section 6. Surrender of Union Card 35
Section 7. Finances 36
Section 8. Relationship of International Officers to Offshore and Other Fully-Formed Divisions 36
Section 9. Investigation of Subordinate Bodies and Establishment of Trusteeships 37
Section 10. Transfer of Members Between Subordinate Bodies 38
Section 11. Suspension and Revocation of Charters 39
Section 12. Court Actions and Appeals to other Authorities by Subordinate Bodies 39
Section 13. Individual Responsibility of any Officer, Agent, Employee or Member of any Subordinate Body 39
Section 14. Prohibition against Employment of Counsel Chargeable to International 40
Section 15. Dissolution or Withdrawal of Subordinate Bodies 40
Section 16. Referenda 40

ARTICLE X—AMENDMENT OF CONSTITUTION 41

Section 1. International Dues Increases, Assessments and Amendments 41
Section 2. Procedures for Proposal and Adoption of Resolutions 41
Section 3. State and Federal Law 42

EXHIBIT A

Page

ARTICLE XI—OTHER MATTERS 42
Section 1. Bonding of Officers and Employees 42
Section 2. Pledge for Officers 42
Section 3. Strikes and Lockouts 43
Section 4. Collective Bargaining Agreements 43
Section 5. Official Publication 44
Section 6. Separate Counting of Subordinate Body Ballots in any Referenda 44

ARTICLE XII—CREATING INTERNATIONAL ORGANIZATION MASTERS, MATES AND PILOTS, ASSOCIATED MARITIME WORKERS LOCALS 44
Section 1. Eligibility 44
Section 2. Initiation Fees, Dues, International Dues and Reinstatement Fee 44
Section 3. Transfer of Members to Other Locals 45
Section 4. Joint Meetings 45
Section 5. Representation at International Conventions and International Executive Committee Meeting 45

ARTICLE XIII—EFFECTIVE DATE 45
Section 1. Effective Date 45
Section 2. Transition Period 46

PREAMBLE

We, the members of the International Organization of Masters, Mates and Pilots, for the better regulation of matters pertaining to our crafts, for the protection of the lives and property entrusted to our care, for the improvement of our economic status, and for the elevation of our standing in the community and our character as men do hereby prepare and adopt this Constitution for the International Organization of Masters, Mates and Pilots.

ARTICLE I. ORGANIZATION

Section 1. Name and Principal Office

This body shall be known by the name of International Organization of Masters, Mates and Pilots, and its headquarters and principal office shall be in the Port of New York area.

It shall hereinafter be referred to in this Constitution as the "Organization".

Section 2. Structure and Composition

The Organization shall consist of Divisions:

a) Offshore Division
b) Inland Division
c) Pilots Division
d) Government Employees' Division
e) Shoreside Division

The Offshore Division shall consist of members formerly members of offshore Locals and others who qualify under its By-Laws.

The Inland Division shall consist of all members of inland Locals existing as of the date of adoption of this Constitution plus additional Locals for which charters are issued by the International President after such date.

The Pilots Division shall consist of all members formerly members of Pilot Locals and others who qualify under its By-Laws.

The Government Employees' Division shall include all members of the Organization employed by Federal, State, Municipal, or other Government units or authorities, who are not represented

EXHIBIT A

in collective bargaining through another Division or Local of the Organization.

The Shoreside Division shall consist of persons employed ashore who are declared eligible for membership by the General Executive Board or Convention action.

Additional Divisions may be established by General Executive Board or Convention action.

Section 3. Objectives and Purpose

It shall be the object of the Organization to protect, maintain and advance the interests of the professional maritime workers and such other persons within its jurisdiction and to unite all such persons in the Organization without regard to age, sex, race, nationality and creed. It shall also be the purpose of the Organization to improve the wages, hours and conditions of employment of its members and to engage in legislative, political, educational and other activities which will further the interests of the members of the Organization and of professional seafarers elsewhere in the world with similar duties and responsibilities.

ARTICLE II. JURISDICTION

Section 1. General

The Organization shall exercise and maintain jurisdiction over all persons engaged in the navigation, pilotage, and movement of merchant and other vessels and the handling of waterborne cargo. Such persons include individuals utilizing or supervising the use of all vessel equipment; and other persons declared eligible for membership by General Executive Board or Convention action who are represented by the Organization for collective bargaining purposes.

Jurisdiction of the Organization shall include positions created or established as replacements for traditional positions, as a result of technological change and scientific advancement.

This technological advancement may include changes in the method of vessel operations as well as changes in equipment.

Section 2. Jurisdiction Hereinafter Granted

If the national or international labor organization(s) with which this Organization is affiliated grants additional responsibility or jurisdiction to the Organization then such additional areas shall be incorporated into this Constitution upon approval of the General Executive Board or by Convention action.

ARTICLE III. MEMBERSHIP

Section 1. Eligibility and Application Procedure

a) All persons, as described in Article I, Section 2, shall be eligible for membership in this Organization.

b) Subordinate bodies of the Organization may limit the membership thereof to specific operations or a geographic area.

c) (1) No person otherwise eligible shall be denied application because of age, sex, nationality, color or religious beliefs. However, no applicant shall be admitted to membership, nor shall any member retain membership, who is affiliated directly or indirectly with any subversive group or association which advocates the violent overthrow of the legally constituted government of the countries in which the Organization has offices, and further

(2) No applicant shall be admitted to membership except in accordance with the quota established by any subordinate body. Initially, the job ratio for the Offshore Division shall be 1.5 members to each contract job. This ratio shall be reviewed annually by the General Executive Board which shall be authorized to adjust such ratio to meet changing employment opportunities.

d) A person desiring membership in the Organization shall make application on the form supplied by the Organization. The application form shall be submitted to a Membership Committee of a subordinate body. After the applicant has made such payments as may be required by this Constitution and the By-Laws of any subordinate body, the Membership Committee shall

EXHIBIT A

present such documents and information at a regularly called membership meeting of the subordinate body for action on the Committee's recommendation.

Section 2. Duties of Members

a) It shall be the duty of each member to be true and loyal to the Organization, treat other members with due respect and consideration and yield strict obedience to the International Constitution, By-Laws and Rules and Regulations as the Organization or subordinate body may adopt.

b) It shall be the obligation of each member to uphold and advocate the objectives of bonafide labor organizations and to patronize union-made goods. He shall keep himself in good standing and attend all meetings of the Organization whenever possible.

c) All members must clear through the offices of the Organization on all assignments in accordance with National Shipping Rules adopted pursuant to the Constitution or the By-Laws of any subordinate body or pursuant to provisions of any collective bargaining agreement in the port of assignment and the port of joining the vessel.

Section 3. Rights of Members

a) In all Organization and subordinate body referenda the ballot of any member shall be counted if the member is not suspended for non-payment of dues when the ballots are mailed.

b) Every member of the Organization shall have the right to meet and assemble freely with other members; to express any view, arguments or opinions. He shall have the right to express at meetings his views upon candidates in any election or upon any business properly before the meeting, subject to reasonable rules established by the Organization or the subordinate body pertaining to the conduct of the meeting.

c) Nothing in this Section shall be construed to impair the right of the Organization or a subordinate body to adopt and enforce reasonable rules as to the responsibility of every member toward the Organization as an institution and to his refraining from conduct that would interfere with its performance of its legal or contractual obligations.

d) Every member shall have the right to institute an action in any court, or in a proceeding before any administrative agency, irrespective of whether or not the Organization or its officers are named as defendants or respondents in such action or proceeding.

Further, every member shall have the unlimited right to appear as a witness in any judicial, administrative, or legislative proceeding, or to petition any legislature or to communicate with any legislator.

However, every member shall be required to exhaust reasonable hearing procedures (but not to exceed a four-month lapse of time) within the Organization, before instituting legal or administrative proceedings against the Organization or any officer thereof.

A member is prohibited from permitting an employer or employer association to directly or indirectly finance, encourage, or participate in, except as a party, any action, proceeding, appearance or petition referred to above.

e) No member of the Organization may be fined, suspended, expelled, or otherwise disciplined, except for non-payment of dues by the Organization, or by any Officer thereof, unless such member has been (i) served with written specific charges; (ii) given a reasonable time to prepare his defense; (iii) afforded a full and fair hearing.

f) Every member of the Organization shall have the right to a copy of the collective bargaining agreement under which he is employed.

g) Every subordinate body of the Organization shall inform its members of the provisions of the Labor-Management Reporting and Disclosure Act of 1959.

h) Every member shall have the right to:

1) Circulate petitions on union policy.

EXHIBIT A

2) Publish and distribute leaflets, newspapers and all other written material or present his opinions through other media.

3) Be nominated for and hold any office unless prohibited by the Labor-Management Reporting and Disclosure Act of 1959 or by reasonable qualifications uniformly imposed by the International Constitution. No elected officer shall be removed from office except after reasonable notice and a fair hearing on charges.

4) Vote on the ratification of any collective bargaining agreements under which he works, subject to reasonable rules of his subordinate body.

5) Initiate a petition, in his subordinate body, for a referendum on any matter subject to reasonable rules in the By-Laws of his subordinate body.

6) (i) The same fair and reasonable access to the official publication of his subordinate body for presentation of a point of view that such member has at the date this Constitution is adopted subject to reasonable rules governing such publication so long as it continues; and
(ii) the same right as outlined above in any publication established by his subordinate body after the date this Constitution is adopted.

Section 4. Membership Standing

a) To be in good standing, a member must have paid dues for the current quarter and assessments and other indebtedness due to the Organization or the subordinate body through which he is affiliated with the Organization. A member must within 72 hours after returning to a United States port, Saturday, Sundays and holidays excepted, pay all indebtedness to the Organization or subordinate body incurred during the time he was on the voyage when he was unable to put himself in good standing.

b) A member who is not paid up in assessments, dues and other indebtedness for the current quarter is no longer entitled to any of the benefits of the Organization or subordinate body.

c) A member in arrears in dues and assessments or other indebtedness for six (6) months shall stand suspended.

d) Whenever a member of a subordinate body is in distress because of a lengthy illness, he may apply in writing to his subordinate body for a waiver of dues. If the subordinate body approves the member's application for such waiver of dues, his obligation shall be reviewed when the subordinate body deems necessary, but not less than once each year, in order to determine if the member is still in distress.

e) Members who are inducted involuntarily into the Armed Forces shall have their dues waived for the period of their involuntary service only. Within 120 days of his discharge, such member shall satisfy his obligations to the Organization and be available for employment.

Section 5. Reinstatement of Membership

a) Reinstatement of members holding a withdrawal card prior to the adoption of this Constitution.

Any member holding a withdrawal card at the date of the adoption of this Constitution, wishing to reinstate from withdrawal, may within one year thereafter apply for reinstatement in writing, and may be restored to membership only after favorable action at a meeting of the subordinate body in which he is reinstating only after he has deposited his withdrawal card and made the payments required under the By-Laws of the subordinate body.

However, any person who has sailed on his license, or whose license expired, while on withdrawal, must apply for membership in the manner of any new applicant.

b) Termination of membership after the adoption of this Constitution.

After the date of the adoption of this Constitu-

EXHIBIT A

tion a member must make application for withdrawal on a form prescribed by the Organization. When such application is granted such member shall have completely severed his relationship with the Organization and may apply for membership only as a new applicant and in accordance with this Constitution.

c) Suspended members.

After adoption of this Constitution a suspended member must apply for membership in the manner of any new applicant.

Section 6. Honorary Members

The Organization or subordinate body may grant honorary membership subject to regulations and privileges to be established by the General Executive Board. In no event, however, shall an honorary member be eligible to vote, hold office or formally represent the Organization or any of its subordinate bodies.

Section 7. Applicants for Membership

a) Before an application may be accepted, a subordinate body must advise the International Secretary-Treasurer who shall consult the list of suspended members which shall be submitted to him periodically by the subordinate bodies.

b) Prior to his acceptance as a member by the membership of the Organization an applicant shall have no rights within the Organization except the following:

1. Employment in accordance with the National Shipping Rules and the By-Laws of his subordinate body.
2. To attend membership meetings of his subordinate body where he shall have no voice or vote.

c) If the applicant becomes delinquent in any monies payable to the Organization prior to his acceptance into membership, his application shall be denied forthwith and no monies paid shall be returned.

d) At any time prior to his acceptance into membership, the Organization or his subordinate body shall have the right to deny his application.

e) Before being admitted into membership, the applicant must tender his full initiation fee and required dues and assessments, and have his record examined by a Membership Committee which shall recommend acceptance, rejection, or postponement of the application as the findings indicate. If rejected, the initiation fee, but not the dues or assessments, shall be refunded.

ARTICLE IV. CONVENTIONS

Section 1. Authority and Power of Conventions

The authority and power of this Organization is vested in the members thereof acting by and through their duly elected delegates meeting in Convention assembled.

Such Convention is the source of all true and legitimate authority over the Organization and possesses as such supreme and absolute power over same and all channels leading thereto. It shall, while in session, have the sole and exclusive power to grant charters to subordinate bodies; to suspend or revoke for cause any charter so granted; to hear and determine all appeals and to enact laws and establish regulations to settle grievances from the subordinate bodies or members thereof in order to carry out in the most effective manner the objectives and purposes of this Organization. The Convention does not have the power to alter or amend the Constitution except as provided in Article X hereof.

Section 2. Place, Date and Notice

The Convention is to be held at a place and date to be decided upon by the Convention in session. Two-thirds of the registered delegates, including the elected officers of the Organization shall constitute a quorum. The International Secretary-Treasurer shall, not less than four (4) months prior to the date of the Convention, send out to all subordinate bodies the convention call notifying them of time and place of Convention. However, in case of emergency those members of the General Executive Board representing a majority of the membership may cause a poll to be taken

EXHIBIT A

of all subordinate bodies, and if those Board members representing a majority of the membership vote in favor, the site and/or date of the Convention may be changed to a place and time more appropriate for all concerned.

Section 3. Representation

a) All subordinate bodies that have been regularly chartered by the Organization shall be eligible to have representation in the Convention.

b) No subordinate body shall be entitled to representation at any Convention unless such subordinate body has been chartered at least three (3) months prior to the Convention date and has paid all International Dues and all other debts to the Organization unless a special dispensation has been granted by the majority pro rata vote of the General Executive Board, or by the majority pro rata vote of the Convention.

c) Each regularly affiliated subordinate body shall be entitled to membership representation based on the average International Dues paid into the Organization for the four (4) quarters immediately preceding the Convention, but in no event shall this membership representation exceed the true mean membership of the subordinate body for the immediate preceding four (4) quarters.

d) A subordinate body shall be entitled to one delegate for the first hundred (100) members or less and one delegate for each succeeding hundred (100) members or major fraction thereof.

e) Each delegate shall vote an equal percentage of membership of the subordinate body he represents provided that all fractional vote be eliminated.

f) If subordinate bodies are unable to send a delegate to the Convention, they are privileged to elect as their delegate any member in good standing from any other subordinate body of the Organization but such delegates shall be limited to vote only on matters introduced by such unit.

Section 4. Election and Credentials of Delegates

a) The delegates to all Conventions shall be the

most recently elected Convention delegates from each subordinate body unless otherwise provided by a subordinate body's By-Laws and the International President, the International Executive Vice President and the International Secretary-Treasurer.

No persons shall be recognized as a delegate or alternate delegate who is not a member in good standing within the subordinate body issuing credentials. Further, each delegate and alternate delegate must be chosen by a secret postal referendum ballot in an election in which all members in good standing of the subordinate body were eligible to participate unless that person is a delegate as provided for by the Constitution or the By-Laws of his subordinate body. This subsection shall also apply to a subordinate body under trusteeship.

b) The International Secretary-Treasurer shall issue the authorized number of credentials for the delegates of each subordinate body which shall be properly attested to by the appropriate officer from the subordinate body he represents. A duplicate of said credential shall be returned to the Organization by said officer at least two (2) weeks prior to the Convention.

If an alternate presents credentials and is seated in place of the delegate-elect, he shall be the recognized representative through the remaining sessions of the Convention.

If any member of the Organization has reason to challenge the credentials of any delegate on the grounds that the delegate has not been elected in accordance with this Constitution and his subordinate body's By-Laws, or any other grounds, the complaint is to be made to the Credentials Committee which shall investigate and report to the Convention. The Convention shall determine whether or not to seat the delegate. Failure to challenge the delegate in this manner constitutes a waiver of all objections.

c) The International Secretary-Treasurer shall pay reasonable expenses incident to the meetings of any Convention and the expenses of the International Officers and staff members. The subordi-

EXHIBIT A

nate bodies of the Organization shall pay the expenses of their respective delegates.

Section 5. Committees

a) The International President shall at least five (5) days prior to each Convention appoint from the delegates-elect, a committee of not less than three delegates to act as a Committee on Credentials. This Committee shall have its report in writing ready for the Convention when it opens

b) The International President shall at least five (5) days prior to the Convention, appoint the following committees, to serve for that session only, to wit:

1) Rules
2) Constitution
3) Resolutions and Petitions
4) Laws and Legislation
5) Grievances and Appeals
6) Finance
7) General Executive Board Actions

It shall be the duty of the Committee on Finance to report to the Convention on the International Secretary-Treasurer's report, making recommendation should they deem it necessary.

Section 6. General Conduct of Convention

a) The order of business at a Convention shall be as follows:

1) Call to Order
*2) Report on Credentials
3) Report on Rules
4) Reports of International Officers
5) Report on General Executive Board action
6) Report of Committees
7) Unfinished Business
8) New Business
9) Nomination of Officers
10) Adjournment

*The Chairman of the Credentials Committee shall consult with the Chairman of the Finance Committee before making his report.

Except as otherwise provided by this Constitution or rules adopted by the Convention, all meetings shall be governed by Roberts' Rules of Order.

b) All proposed resolutions shall be forwarded to the International Secretary-Treasurer at least thirty (30) days prior to the opening day of the Convention.

c) The order of business may be changed or suspended and new resolutions may be considered by a Convention only by a two-thirds' majority pro rata vote.

d) Members in good standing, or other individuals specifically invited by the International President and/or by the majority pro rata vote of the Convention, shall be authorized observers at any plenary session of a Convention. Such persons may attend Committee meetings only with the approval of the Committee by majority vote.

Observers who interfere with the business of the Convention, or who violate rules established by the Rules Committee, shall be denied further attendance.

Section 7. Special Conventions

A Special Convention may be called by a two-thirds' majority pro rata vote of the General Executive Board. Special Conventions may also be called for by a petition to the International President, signed by those Board members representing a majority of the dues-paying members. The time and place is to be set by the party or parties calling such Special Convention. At least thirty (30) days' written notice shall be given to the subordinate bodies prior to the date of convening a Special Convention.

Section 8. Constitutional Conventions

a) A Constitutional Convention may be called by a two-thirds' majority pro rata vote of the General Executive Board or by a two-thirds' majority pro rata vote of a Regular Convention.

b) The time, place and written notice shall be designated by the persons calling the Constitutional Convention.

EXHIBIT A

c) Such Convention shall be limited to Constitutional matters.

Section 9. Records and Publication of Actions

The credentials of delegates, resolutions introduced and other records of each Convention shall be preserved until the next Regular Convention. Minutes of each Convention, and other documents or records required by law, shall be permanently maintained by the International Secretary-Treasurer.

Within ninety (90) days of the conclusion of a Convention, the affirmative actions shall be prepared and distributed to all members noting the action taken by the Convention.

Section 10. Verbatim Records

A verbatim record shall be kept at all Conventions and copies shall be forwarded to all delegates and all Ports in which the Organization maintains an office, as soon as possible after the close of a Convention.

Section 11. Proxy Votes

There shall be no proxy votes at any Convention except as provided in Article IV, Section 3 (f).

ARTICLE V. INTERNATIONAL OFFICERS AND GENERAL EXECUTIVE BOARD—ELECTION PROCEDURES

Section 1. Notice of Elections

Not less than fifteen (15) days prior to any election, the International Secretary-Treasurer shall give appropriate notice to the membership of the forthcoming election.

Section 2. International Officers

The officers of the Organization shall consist of an International President, International Executive Vice President and International Secretary-Treasurer, who may be referred to collectively as the International Subcommittee. These three officers, together with the three Vice Presidents of the Offshore Division and the Vice

President of any fully-formed Division, shall constitute the General Executive Board. Prior to the formation of such other Divisions, the Executive Officer of each of the remaining subordinate bodies shall be members of the General Executive Board. If the Executive Officer of a non-fully formed Division is unable to attend a General Executive Board meeting, such officer of the subordinate body who shall be elected by a majority vote of the Executive Board or Committee of the subordinate body shall act in the Executive Officer's place.

Section 3. Election of Officers and Terms of Office

The International President, the International Executive Vice President, and the International Secretary-Treasurer shall be elected by a plurality vote of the general membership in each election, provided the winning candidate receives at least forty (40%) percent of the valid ballots counted. Voting shall be by secret ballot and conducted by an impartial balloting agency selected by a majority pro rata vote of the International Convention.

If a run-off election is necessary it shall be between the two candidates receiving the highest vote. If one of the two candidates in a run-off election declines to run, the other candidate shall be deemed elected for said International office. The International Ballot Committee, the Impartial Balloting Agency, and the balloting procedures shall be the same as in the original election. The original list of eligible voters, with deletion of members who are no longer in good standing, shall be used for the mailing of ballots. No other proposition may be placed on the ballot and the balloting shall commence forthwith but in no event later than thirty (30) days following the certification of the results of the election.

Unless legally removed, all elective International Officers shall hold their respective offices for a term of three (3) years, or until their successors are duly elected and installed.

EXHIBIT A

Section 4. Eligibility for International Office

Any member shall be eligible for nomination to an election as International President, International Executive Vice President, or International Secretary-Treasurer provided that at the time of nomination he has been a member of the Organization for a period of four (4) years, two of which shall be immediately prior thereto, and is in good standing, as provided in Article III, Section 4 of this Constitution.

No member can accept nomination to, or be candidate for more than one office in an International election.

Section 5. Nominations

Nominations for the offices of International President, International Executive Vice President and International Secretary-Treasurer shall be made at the Regular Convention preceding the election.

When a nomination is made in Convention for these offices, the mover of the nomination must at such time present a statement setting forth the nominee's name, last known address, qualifications, background and general experience. The same information required of a member nominated in Convention shall be furnished along with any nomination by petition.

Nominations may also be made by petition signed by not less than fifty (50) members of the Organization. Verification of the good standing of the petitioners shall be made by the appropriate officer of the subordinate body of which the signators are members. All such nominations by petition must be received by the International Secretary-Treasurer prior to the time the Chairman declares nominations closed for International Officers.

No later than ten (10) days after the close of the nominations, each candidate shall have the right to submit a statement not to exceed two hundred (200) words which shall include such information as:

a) Date of joining Organization.

b) Subordinate bodies he has belonged to.
c) License date and issue number, if any.
d) Special reference shall be made as to whether he was suspended or dropped at any time he was in the Organization.

This statement by a candidate shall appear on the ballot. If a statement is not furnished as required in this section, no statement shall appear with the candidate's name on the ballot.

Notification to Nominees

The nominees for the office of International President, International Executive Vice President and International Secretary-Treasurer shall be notified by telegram or cable of their nomination. Such telegram or cable shall advise the candidates of the following:

a) the ten-day acceptance rule.
b) that his written acceptance must state that he is not disqualified as a candidate by the Labor-Management Reporting and Disclosure Act of 1959.
c) of his right to submit a statement for inclusion on the ballot, not to exceed 200 words which shall include such information as required in a), b), c) and d) of this Section 5.

(For the purposes of this Section, telegrams or cables shall be considered communications in writing.)

Acceptance of Nomination

Only those candidates who shall have notified the International Secretary-Treasurer, in writing, within ten (10) days after the close of the nominating period that they will accept the nomination shall have their names placed on the International ballot.

Every candidate for any office in the Organization shall certify in writing that he is not prevented from holding office by any provision of the Labor-Management Reporting and Disclosure Act of 1959 or by any provision of the International Constitution. Such certification shall ac-

EXHIBIT A

company every candidate's acceptance of his nomination for office.

Section 6. Election of International Ballot Committee

An International Ballot Committee shall supervise the election and certify that the election was conducted in accordance with the International Constitution.

The Committee shall consist of five (5) delegates elected in Convention. No delegate who is a candidate for International Office at the forthcoming International election shall be a member of this International Ballot Committee. This Committee shall elect its own Chairman.

Section 7. List of Eligible Voters

a) No later than the tenth day following the close of the nominating period, each subordinate body shall furnish a list of members, in duplicate, to the International Secretary-Treasurer, who have not been suspended for non-payment of dues, unless the International Office maintains such information. This list is to include the book number and the home address of each member as recorded on the records of the subordinate body. This list must be certified by the appropriate officer of the subordinate body. The International Secretary-Treasurer shall furnish a copy of such list to the Impartial Balloting Agency.

b) Each member whose name appears on the above list shall be mailed a ballot.

c) If for any reason any member in good standing does not receive his ballot he may request, in writing, a ballot from the Impartial Balloting Agency. Such request shall include a statement that he has neither received nor voted any ballot in this election. The Impartial Balloting Agency shall issue a ballot to such member found entitled thereto. If a duplicate ballot is issued it will be clearly marked "DUPLICATE".

Section 8. Balloting Procedure

a) The Impartial Balloting Agency shall send out sufficient sample official ballots to each subordinate body of the Organization and each such

ballot shall bear the names of all candidates who have been nominated and who shall have notified the International Secretary-Treasurer of their acceptance of such nomination. The form of the official ballot of all subordinate bodies shall be identical in nature and stamped across the body of the ballot "SAMPLE".

b) The ballot shall be enclosed in an envelope which shall have only the following printed thereon: SECRET BALLOT.

The SECRET BALLOT envelope shall be enclosed in an outer envelope which shall have the following information completed by the member in the upper left hand corner: his printed name and address, his subordinate body and book number, and his signature. This envelope shall be pre-stamped and self-addressed to the Impartial Balloting Agency, c/o Safe Deposit Vault which shall be located in the city in which the headquarters of the Organization is located, to be kept for tabulation and certification purposes.

c) The Impartial Balloting Agency shall be responsible for making all arrangements for such Safe Deposit Vault and for the placing therein of the locked and sealed ballot box of the Organization. All such arrangements shall be subject to the approval of the International Ballot Committee. The Impartial Balloting Agency shall retain in its possession the keys to the locked and sealed ballot box until the election results have been certified by the Impartial Balloting Agency.

d) Immediately following the tenth day after the close of the nominating period, the Impartial Balloting Agency under the supervision of the International Ballot Committee shall prepare the official ballot and shall mail one such ballot to each member of the Organization who has not been suspended for non-payment of dues at the time the ballots are mailed out. All ballots shall be mailed not later than the thirtieth day following the close of the nominating period at which nominations have been made.

e) In any case where a member has listed an

EXHIBIT A

office of the Organization or care of an official of the Organization as his last known address, the Impartial Balloting Agency shall mail a notice to such member at that address informing such member of the means by which he can obtain his ballot. The Impartial Balloting Agency shall not send any ballot to an office of the Organization nor in care of an official thereof except the official's own ballot to his own home.

f) The International Ballot shall be officially closed ninety (90) days after the date of the mailing of the ballots by the Impartial Balloting Agency. All ballots postmarked later than that date shall be declared void. In the case of those members receiving duplicate ballots, the one with the earliest postmark shall be counted.

g) The members of the official International Ballot Committee and the Impartial Balloting Agency shall be empowered with an order executed by the Organization and signed by the International President and International Secretary-Treasurer and under the seal of the Organization to proceed within seven (7) days following the close of the balloting to the safe deposit vault where the locked and sealed ballot box is kept. Upon presenting the duly executed order to the custodian of the safe deposit vault said custodian shall deliver the ballot box which shall contain all ballots which have been cast.

h) The Impartial Balloting Agency shall proceed then to counting the ballots. Candidates receiving a plurality vote of the general membership for each office, provided the winning candidate receive at least forty (40%) percent of the valid ballots counted, shall be declared elected and a certification of the results shall be made by the Impartial Balloting Agency. Telegrams or other communications shall be sent to all subordinate bodies containing the results of said election.

i) Challenges to the election must be made at the time of the counting of the ballot by the candidate or his representative observer who shall

possess certification of same from the candidate he represents.

j) The ballots and all records pertaining to the election must be preserved for one year.

Section 9. Miscellaneous Election Matters

a) Any candidate desiring to distribute literature in connection with his candidacy, as provided under Section 401 (c) of the Labor-Management Reporting and Disclosure Act of 1959, shall be required to pay in advance for the cost of such distribution. The amount shall be certified by the independent mailing service as designated by the Impartial Balloting Agency. The Impartial Balloting Agency shall make appropriate arrangements for the security of the mailing list. The Impartial Balloting Agency shall immediately notify the candidates of the name of the mailing service and the cost of distribution of the candidate's literature.

b) Installation of officers shall take place not later than thirty (30) days after the results of the ballot are known, at the convenience of the successful candidate.

Section 10. Vacancies in Office

a) In the event there is a vacancy in the office of International President, it shall be mandatory for the International Executive Vice President to assume the office for the remainder of the term. Failing to do so he shall be removed from office.

b) Except for the succession procedure set forth in Subsection (a) above, any vacancy in any International Office shall be filled by majority pro rata vote of the General Executive Board until the next regular election.

Section 11. General Executive Board

All members of the General Executive Board, other than the International President, International Executive Vice President and International Secretary-Treasurer, shall be elected by secret referendum ballot by the members in good standing of the subordinate body they represent, in accordance with the By-Laws of that subordinate

BEST COPY AVAILABLE

EXHIBIT A

body. They shall remain on the General Executive Board by virtue of their continuation as Vice President or Executive Officer of a subordinate body.

Section 12. Suspension and Removal of International and Subordinate Body Officers

a) *International Officers*—The General Executive Board shall have the power to suspend any International Officer from office by the two-thirds' pro rata majority vote of the entire Board. Immediately after any suspension, the General Executive Board shall submit a recall referendum ballot to the membership of the Organization which shall contain a description of the offense(s) and the approximate dates thereof.

If the majority vote of the membership approves the suspension action the suspended International Officer shall be deemed removed from office. If the majority vote of the membership disapproves the suspended action, the suspended International Officer shall be deemed fully restored to his office.

b) *Subordinate Body Officers*—The By-Laws of each subordinate body shall provide adequate procedures for the removal of its officers.

ARTICLE VI. AUTHORITY AND DUTIES OF INTERNATIONAL OFFICERS AND INTERNATIONAL SUBCOMMITTEE

Section 1. Duties of International President

It shall be the duty of the International President and he is hereby authorized to:

a) preside at all Conventions and General Executive Board meetings and shall have the deciding vote in case of a tie on any question.

b) grant dispensation authorizing subordinate bodies to organize and authorizing groups to operate until such time as they receive their charters with the approval of the General Executive Board.

c) appoint all representatives of the Organization to serve on International, National and local labor or professional organizations with which the Organization is affiliated, or programs which require Organization representation.

d) decide on all points of law, interpretations of the Constitution, and/or grievances submitted to him by the subordinate bodies, after consulting with International Counsel. When the International President makes a decision or interpretation and/or orders a subordinate body to observe the laws, rules and regulations and the subordinate body refuses, the subordinate body shall be subject to suspension or revocation of its charter with the approval of the General Executive Board.

e) be an ex-officio member of all committees.

f) supervise the affairs of the Organization acting to further the interests of the membership.

g) act as the Executive Officer of fully-formed Divisions and render services thereto.

h) accept a call to serve by the government of the United States if he believes that it is in the best interests of the Organization to accept. In such cases his position and remuneration with respect to the Organization shall continue. If such service is for more than thirty days it shall require approval of the General Executive Board by its majority vote.

i) direct that a referendum vote or a vote by membership meeting be held by the membership of any subordinate body on any matter, issue or proposition when he believes that the welfare of the membership of the subordinate body will be protected or enhanced by such action.

j) delegate to a person or persons the execution of such of his duties as he may decide; provided, however, that the responsibility of the

BEST COPY AVAILABLE

EXHIBIT A

International President as provided in this Constitution or by statute shall not be delegated.

k) supervise the other International Officers assigning them to such duties at such locations as in his opinion will permit the work of the Organization to be handled in the most efficient manner, providing such assignment shall not conflict with specific Constitutional duties of such other officers.

l) serve as the Editor of the official publication of the Organization, "The MASTER, MATE AND PILOT".

m) appoint such organizers, representatives, assistants, counsel, accountants and other professional personnel as he may require to assist him in the duties of his office and to fix their compensation, with the approval of the General Executive Board.

n) appoint a Trustee to take charge and control of the affairs of a subordinate body in accordance with applicable provisions of the Constitution and the approval of the General Executive Board for the purpose of correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures or otherwise carrying out the legitimate objectives of this Organization.

o) sign all official documents on behalf of the Organization and its subordinate bodies, when required.

p) attend and participate at meetings of subordinate bodies and to visit any vessel or work location at which members are employed.

q) make agreements with Employers binding a subordinate body when such body requests such assistance in negotiations, subject to ratification by the membership in accordance with the subordinate body's By-Laws.

r) designate the proper bargaining agent if two or more subordinate bodies negotiate for or seek representation of the same employees of a particular employer or association of employers.

Section 2. Duties of International Executive Vice President

It shall be the duty of the International Executive Vice President and he is hereby authorized to:

a) perform such duties as may be required of him by the International President.

b) preside at a Convention, General Executive Board Meeting or any meeting normally chaired by the International President when the latter is not able to perform such functions.

c) serve as the International President in the event a vacancy in that office occurs.

d) act as the Assistant Executive Officer of all fully-formed Divisions.

Section 3. Duties of International Secretary-Treasurer

It shall be the duty of the International Secretary-Treasurer and he is hereby authorized to:

a) receive all monies paid to the Organization and give an official receipt for same.

b) keep an accurate account of all monies received and disbursed and a separate account of all monies received from the subordinate bodies of the Organization. He shall keep an accurate list of all members of the Organization from the information which shall be furnished by the appropriate officer of each subordinate body showing the standing of each member with regard to such member's payment of dues, assessments and other monies required to be paid to the Organization.

c) render a complete report to the General Executive Board meeting and Convention giving a complete statement of membership

EXHIBIT A

records for the previous year, all monies received and to whom and for what paid out, the amount disbursed during the year and assets and liabilities of the Organization, together with the cash balance on hand at the close of the fiscal year.

At the end of each fiscal year, the International Secretary-Treasurer shall present a CPA's audit for posting on the bulletin board at each office of the Organization and for distribution to the membership through the official publication.

d) keep a true record of all transactions of the Organization.

e) deposit all monies received to the credit of the Organization in a bank or banks as he shall determine will offer the most advantageous yield consistent with safety and good financial management, with the consent of the General Executive Board. He shall sign all checks duly authorized for the purpose of paying current expenses.

Should the International Secretary-Treasurer be unable to perform these duties the International President, or the International Executive Vice President if so required by the International President, shall have the authority to sign such checks and have access to the accounts or safety deposit box, and the bank(s) shall be so notified by the General Executive Board.

f) perform other duties not in conflict with this Section as the International President or General Executive Board may delegate to him from time to time.

g) preserve and have custody of all correspondence concerning the Organization and all its property, securities, documents, books, official seals, records, etc. wherever located.

h) hire such clerical help as is necessary to carry on the business of the Organization and to meet his official duties, and to determine the remuneration and working rules

and conditions of such employees with the approval of the International Subcommittee.

i) arrange for the preparation and distribution of minutes or other records of the actions taken or business discussed at Conventions, General Executive Board Meetings and other important correspondence related to the activities of the Organization.

j) cause the payment of proper bills and expenses of the Organization when supported by satisfactory statements or vouchers.

k) maintain such records or prepare such reports as may be required by Federal, State or local law.

l) deliver to his successor all funds and property of the Organization in his possession at the expiration of his official term.

m) act as the Financial Officer of all fully-formed Divisions.

Section 4. Duties of the International Subcommittee

It shall be the duty of the International Subcommittee to conduct the affairs of the Organization between meetings of the General Executive Board. It shall have full authority to act on behalf of the Organization, subject to the action of the next meeting of the General Executive Board or Convention.

Section 5. Remuneration of International Officers

Effective on the adoption of this Constitution, existing benefits of International Officers shall continue, including a provision for sixty (60) days' annual vacation. The annual salaries of officers shall be: International President—forty thousand ($40,000) dollars; International Executive Vice President and International Secretary-Treasurer—Thirty-five thousand ($35,000) dollars.

Thereafter, the International Officers shall receive such compensation and benefits for their

EXHIBIT A

services as the International Convention may determine. They shall be reimbursed for all reasonable expenses incurred in the performance of the duties of their office.

ARTICLE VII. GENERAL EXECUTIVE BOARD

Section 1. Voting Procedure

a) The vote of each member of the General Executive Board shall be based on the average membership for which dues were paid by his subordinate body into the Organization during the four quarters preceding each General Executive Board meeting.

The votes of the Offshore Division shall be equally divided among the individuals representing the Offshore Division; namely, International President, International Executive Vice President, International Secretary-Treasurer and the three Offshore Vice Presidents.

Section 2. Meetings

a) Meetings of the General Executive Board shall be held at least twice each year. They shall be held at such times and in such places as the International President shall determine, provided, however, one of these meetings shall be held as soon as possible after receipt of the annual audit.

b) Meetings of the General Executive Board shall be on not less than ten (10) days' notice, except for emergency meetings. Upon the receipt of the call of the General Executive Board meeting, each Board member shall within forty-eight (48) hours, advise the International Office whether he will attend.

c) A meeting of the General Executive Board may be called by petition of Board members, the combined membership of whose subordinate body or bodies represent a majority of the dues-paying members of the Organization.

Section 3. Duties and Authority

The General Executive Board shall act upon and decide on all appeals presented to it by subordinate bodies or individual members. Second only to the Convention in legislative and policy-making authority it shall act between Conventions on all matters related to the welfare of the Organization not specifically prohibited by this Constitution or restricted to action by the membership in referendum ballot and shall decide on all questions of law. The General Executive Board is hereby authorized to:

a) supervise the activities, affairs and functioning of the Organization.

b) act on the issuance or suspension of charters of subordinate bodies, as recommended by the International President.

c) establish and order compliance with such rules, regulations or procedures, consistent with this Constitution, as are required for the effective management of the affairs of the Organization.

d) establish or approve the payment of salaries, wages, expenses, allowances and other disbursements for those employees of the Organization not specifically covered by this Constitution.

e) establish such benefits as may be required to attract and retain interested and competent personnel, including but not limited to pension, welfare, vacations, holidays, severance pay, tuition or scholarship, and insurance benefits.

f) lease, buy, sell, mortgage or dispose on behalf of the Organization of any property, rights or privileges as it thinks is desirable to meet the objectives and purposes of the membership.

g) act on affiliation of the Organization, and approve the affiliation of any subordinate body, with such International, National and local organizations as the Board believes is in the best interests of the membership.

h) decide questions of jurisdiction relating to subordinate bodies and conclude organiza-

EXHIBIT A

tional and jurisdictional agreements with other labor organizations.

i) provide financial assistance from the general assets of the Organization to any subordinate body.

j) bring suit in behalf of the Organization with full authority to bind their action in such suit all members of the Organization, and to assume the costs of any legal actions in which the Organization becomes involved.

k) levy assessments for necessary revenue in accordance with this Constitution.

l) act on the merger of subordinate bodies and in this connection may conduct a referendum vote among all the members of the subordinate bodies involved.

m) establish such marks, labels or other insignia to identify the Organization or to improve the professional recognition and status of the membership.

n) appoint a person to fill a vacancy in office, where procedures are not otherwise provided in this Constitution, or the By-Laws of any subordinate body, to serve until the next regular election for that office.

o) refer questions or matters to a subcommittee of the General Executive Board or the International Subcommittee which will decide or determine the disposition of such questions or matters, subject to action at the next meeting of the General Executive Board or Convention.

p) conduct a poll of members on such subjects and under such rules as it may decide.

ARTICLE VIII. REVENUE AND FUNDS

Section 1. International Dues

a) Commencing October 1, 1970, the financial officer of each subordinate body shall pay the International Secretary-Treasurer the following amount for each member in good standing of the subordinate body, each calendar quarter:

UNIT	INTERNATIONAL DUES
Offshore Division	$ 7.50
Government Employees' Division	$_____
Inland Subordinate Body	$ 3.75
Pilot Subordinate Body	$ 7.50
Shoreside Division	$_____

Such payment shall be accompanied by a report in a form prescribed by the International Secretary-Treasurer. A receipt shall be issued for each payment received.

b) Each subordinate body shall have the authority to fix the amount of its members' dues subject to the provisions of (c) below, but no change in such amounts shall be made except as approved by a majority vote in referendum balloting on the change.

c) The minimum annual dues which may be required by any subordinate body shall be as follows:

UNIT	MINIMUM ANNUAL DUES
Offshore Division	$ 300*
Government Employees' Division	$_____
Inland Division	$ 120
Pilot Division	$_____
Shoreside Division	$_____

* Effective 10/1/1970.

Section 2. Initiation Fees

a) Offshore Division

1) The initiation fee for an applicant who had an original license issued less than one year prior to the date of application shall be $1,000.

2) The initiation fee for an applicant who has had an original license for one year or over but less than five years as of the date of his application, military service excluded, shall be $2,000.

EXHIBIT A

3) The initiation fee for an applicant who has had any license five years or over from the date of issue of the original license to the date of application, military service excluded, shall be $3,000.

b) Inland Locals

1) The initiation fee for an applicant shall be $250 unless the applicant has served more than one year on his license issued by the United States Authorities.

2) The initiation fee for an applicant who has served one or more years on his license issued by the United States Authorities shall be $500.

c) At least fifty (50%) percent of all initiation fees received by all subordinate bodies shall be paid to the Organization as they are received.

d) The International President may, after investigation, give dispensation to a subordinate body and waive all or part of an initiation fee.

e) Any subordinate body collecting monies from members of another subordinate body shall forward all such collections to the International Secretary-Treasurer.

Section 3. Charter Fees and Assessments

Before the issuance of any charter to a subordinate body, the applicant for a charter shall forward to the International Secretary-Treasurer a charter fee of $100 and, if required by this Constitution or the General Executive Board, an assessment for each signatory to the application. This assessment may be applied to future International Dues at the discretion of the General Executive Board.

Section 4. Other Income

Subject to applicable law and the provisions of this Constitution, actions for obtaining income may be instituted by the Convention or the General Executive Board.

Section 5. Timely Payment

International dues must be paid by each subordinate body within one month following the calendar quarter for which payment is due. If

a subordinate body fails to make payment on a timely basis the International Secretary-Treasurer shall refer the matter to the International President who shall take appropriate lawful action.

ARTICLE IX. SUBORDINATE BODIES

Section 1. Application for Charter

a) Every subordinate body shall hereafter be known by the following title:

International Organization of
Masters, Mates and Pilots
_____Division, or Local No._____

b) Except as otherwise provided in paragraph (c) hereof, whenever fifty (50) or more persons who are duly qualified, desire to form a subordinate body in this Organization, they shall make application in writing to the International Secretary-Treasurer, remitting at the same time funds for the charter and other necessary material which must be purchased from the Organization. However, before a charter can be granted, the International Secretary-Treasurer shall notify in writing all subordinate bodies spelling out the proposed jurisdiction of the proposed new subordinate body thereby giving them the opportunity to present their opposition, if any.

c) Chartering of Small Units—Whenever a group of less than fifty (50) persons who are duly qualified, desire to form a subordinate body of this Organization, they shall follow the procedure outlined in paragraph (b) of this Section; however, special conditions may be imposed for the charter of such a group.

Section 2. Consolidation of Subordinate Bodies

Should two (2) or more subordinate bodies wish to consolidate or operate as a branch or branches, they may do so by a majority vote of the voting members of each subordinate body so desiring, by referendum ballot. The ballot in such cases shall indicate the headquarters of the new consolidated unit.

EXHIBIT A

Section 3. Jurisdiction

The jurisdiction of any subordinate body shall continue unless amended by Convention action. All questions of jurisdiction between subordinate bodies shall be decided by the International President whose decisions may be appealed to the General Executive Board and/or any Convention.

Section 4. Government

a) Each subordinate body shall adopt By-Laws or rules governing all aspects of its operation not in conflict with this Constitution. Such By-Laws shall be adopted and amended only by a majority referendum vote.

Any Article in the By-Laws of any subordinate body conflicting with this Constitution is void and may not be enforced. No subordinate body may alter or amend any part of this Constitution.

b) The By-Laws of each subordinate body shall comply with all applicable laws and shall include provisions on the following matters:

1) Qualifications for or restrictions on membership consistent with this Constitution and uniformly administered.
2) Authorization for disbursement of funds.
3) Certified audit of financial transactions.
4) Compensation of officers and election of officers by secret referendum ballot.
5) Discipline or removal of officers for breach of trust.
6) The calling and conduct of meetings.
7) Negotiation and ratification of collective bargaining agreements and authorization for strikes.

c) The Offshore Division By-Laws shall require a secret mail referendum ballot conducted by an impartial balloting agency on the following matters of business:

i. adoption and amendment of the By-Laws
ii. dues and similar financial items
iii. election of officers
iv. recall and suspension of officers which shall only be initiated by petition signed by a two-thirds' (⅔) majority of the Offshore Division Executive Council or by twenty-five (25%) percent of the members in good standing.

d) *Offshore Division By-Laws*

After the adoption of this new Constitution by the two-thirds' (⅔) majority pro rata vote of the delegates to this Constitutional Convention, the Offshore By-Laws Committee shall meet to draft the Offshore By-Laws.

This Committee shall be composed of the three International Officers and the Executive Officer of each Offshore Local and shall meet immediately after the close of this Constitutional Convention, on the call of the International President.

e) The General Executive Board may recommend to subordinate bodies additional matters which should be covered by the subordinate body's By-Laws.

Section 5. Safeguards Against Improper Disciplinary Actions

a) The basis for charges against any member of the Organization shall be as follows:

1) Violation of the International Constitution or subordinate body By-Laws.
2) Disobedience of any lawful regulation, rules, orders, mandates of the International or the subordinate body he belongs to or within whose jurisdiction he secured employment.
3) Violation of the oath of loyalty to the subordinate body or to the Organization.
4) Secession or fostering same.

b) No member of this Organization may be fined, suspended, expelled, or otherwise disciplined except for non-payment of dues unless such member has been:

i. served with written specific charges;
ii. given reasonable time to prepare a defense;
iii. afforded a full and fair hearing.

c) 1) Appeals from discipline by subordinate bodies shall be made to the General Ex-

EXHIBIT A

ecutive Board or the International Convention.

2) All appeals must be taken within fifteen days from the date of the findings of the Trial Committee and after reasonable notice to the accused. The appellant shall file a written notice of appeal with the International Secretary-Treasurer and the notice shall clearly state that an appeal is being taken from the particular decision in a particular case.
3) Pending any appeal, the decision appealed from shall remain in full force and effect unless otherwise provided.
4) The appellate body shall fix the date when an appeal will be considered and the accused shall be given reasonable notice thereof.
5) The accused shall have the right to appear before appellate bodies and present argument on his case.
6) In the discretion of the body hearing the appeal, appeals shall be heard either on the record made before the Trial Committee or by a further hearing.

Section 6. Surrender of Union Card

Any member disciplined or expelled may be required to surrender his union card or book.

Section 7. Finances

Dues, assessments and other payments to the subordinate body shall be subject to approval by a majority of the membership voting in referendum ballot and must provide sufficient income to meet the financial obligations of the subordinate body.

Section 8. Relationship of International Officers to Offshore and Other Fully-Formed Divisions

The International President shall be the Executive Officer of the Offshore and other fully-formed Divisions.

The International Executive Vice President

shall be the Assistant Executive Officer of the Offshore and other fully-formed Divisions.

The International Secretary-Treasurer shall be the Financial Officer of the Offshore and other fully-formed Divisions.

Section 9. Investigation of Subordinate Bodies and Establishment of Trusteeships

a) By its majority pro rata vote, the General Executive Board or the Convention may recommend that the International President or any person or persons whom he may designate shall have the right to make such investigation of the books and affairs of any subordinate body as he may desire and all officials of subordinate bodies shall render all required assistance to facilitate such examination. Refusal of subordinate officials to cooperate shall be grounds for removal by the Organization.

b) If the International President receives information from the investigation, conducted in accordance with this Section, that there is corruption or financial malpractice within the subordinate body, or that there is a need to assure performance of a collective bargaining agreement or the duties of a bargaining representative of the subordinate body, or if the International President believes that there is a necessity of restoring democratic procedures to the subordinate body, or if the subordinate body is not carrying out the legitimate objectives of the Organization, he may appoint a Trustee with the consent of the General Executive Board by its two-thirds' (⅔) majority pro rata vote to take charge and control of the affairs of the subordinate body.

c) The Trustee shall be authorized and empowered to take full charge of the affairs of the subordinate body; to remove any or all officers and appoint and remove temporary officers during his Trusteeship; to suspend all membership meetings and all provisions of the By-Laws; to bring charges against any member of said subordinate body or any other subordinate body to take such other action as in his judgment is necessary for

EXHIBIT A

the preservation of the subordinate body and its interests. The Trustee shall report from time to time on the affairs and transactions of the subordinate body to the International President. The enumeration of the above powers of the Trustee shall not be deemed to operate as a limitation on his powers which are to be construed broadly.

d) The suspended officers shall turn over all monies, books and property of the subordinate body to the Trustee, who must issue receipt for same.

e) Any member in good standing of the subordinate body may be appointed a temporary officer. He shall be bonded for the faithful discharge of his duties, satisfactory to whomever appoints him, said premium on bond shall be paid by the subordinate body.

f) When the Trustee or International President recommends self-government be restored and such recommendation is approved by the General Executive Board or Convention, the Trustee shall direct an election at such time as he may designate, any other provisions of the By-Laws notwithstanding, and following such election and installation, the Trusteeship shall terminate and the Trustee shall return all funds, property, books and papers to the appropriate officers of the subordinate body.

If, however, the charter of the subordinate body is suspended or revoked, then any balance remaining to the credit of the subordinate body shall be placed in the hands of the International Secretary-Treasurer, who shall hold it in trust for the purpose of reorganization of such subordinate body.

Section 10. Transfer of Members Between Subordinate Bodies

A member of one subordinate body who meets the qualifications for membership in another subordinate body of the Organization may transfer to that unit. If, however, the initiation fee of the new subordinate body is higher than that of the subordinate body from which he is transferring,

the difference in such fees shall be paid by the member and forwarded to the Organization.

No member shall be permitted to transfer unless he is in good standing with his subordinate body with respect to dues and assessments.

Section 11. Suspension and Revocation of Charters

The charter of a subordinate body may be revoked or suspended by the General Executive Board upon the recommendation of the International President, for:

1) failure to meet any financial obligation to the Organization within sixty (60) days after it is due.
2) refusal or failure to make returns or reports required by the Organization or by Federal law.
3) refusing or neglecting to conform to or abide by any directions or decisions of the General Executive Board or the Convention.

Section 12. Court actions and Appeals to other Authorities by Subordinate Bodies

In no case shall a subordinate body appeal to any court or other authority until it has exhausted its rights of appeal under the laws of this Organization. Any violation of this section of the International Constitution shall be cause for receivership of the subordinate body under a Trusteeship or suspension of the subordinate body's charter. The subordinate body violating this section shall be subject to all expenses and costs to the Organization.

Section 13. Individual Responsibility of any Officer, Agent, Employee or Member of any Subordinate Body

Any officer, agent, employee or member of any subordinate body who makes or authorizes or votes for, or joins in the making or authorization of any payment out of the funds of his subordinate body, or the creating of any expense, charge or lien of any nature to, or upon any of the funds or property of his subordinate body, contrary to

EXHIBIT A

any of the provisions of this Constitution, or contrary to any order of either the International President or the General Executive Board shall be individually liable to such subordinate body and to the Organization for the amount of such payment, expense, charge or lien and for all damage sustained by such subordinate body or the Organization, resulting from such payments or the creation of such expense, charge, or lien, and for all expenses incurred by the subordinate body, or the Organization, in the recovery of such payment, or the contesting of any such expense or lien.

Section 14. Prohibition Against Employment of Counsel Chargeable to International

No subordinate body or no individual member of this Organization shall employ counsel chargeable to the Organization.

Section 15. Dissolution or Withdrawal of Subordinate Bodies

No subordinate body shall dissolve or withdraw from this Organization without the consent of the International Convention, or General Executive Board.

b) Any member in good standing in a subordinate body which has been withdrawn or dissolved or which has had its charter revoked, who can furnish satisfactory proof to the General Executive Board or its representative of his standing in his subordinate body shall be entitled to a transfer card from the Organization. With this card, which shall be furnished by the International Secretary-Treasurer with the seal of the Organization attached, he may make application to the subordinate body nearest his residence, subject to the International Constitution and to the By-Laws of the subordinate body to which he may apply.

Section 16. Referenda

The Executive Council or Committee of any subordinate body shall have the unrestricted right to send out a referendum ballot to the entire membership of that subordinate body to act upon if, in the opinion of the Executive Council or Committee, the need for such action exists.

ARTICLE X. AMENDMENT OF CONSTITUTION

Section 1. International Dues Increases, Assessments and Amendments

a) Subsequent to the adoption of this Constitution, any future International Dues increases, or assessments, or any Constitutional amendment shall be adopted in the following manner:

1) a two-thirds' majority pro rata vote in a Regular, Special or Constitutional Convention; and
2) approved by a majority vote of the membership voting in a secret referendum ballot.

b) The General Executive Board by its two-thirds' majority pro rata vote shall have the power to levy an emergency assessment. Such action of the General Executive Board must be ratified by a majority vote in a forty-five (45) day referendum ballot, in which all members in good standing of the Organization are eligible to vote. Such action shall be effective only until the next regular Convention.

c) The referendum ballots by the membership under Subsections (a) and (b) of this Section shall be conducted by an impartial balloting agency, elected by the majority vote of the Convention or General Executive Board whichever the case may be. The impartial balloting agency shall be under the general supervision of a duly elected International Ballot Committee, which Committee shall also be elected by either the International Convention or the General Executive Board, whichever the case may be.

Section 2. Procedures for Proposal and Adoption of Resolutions

a) Amendments or resolutions proposed by subordinate bodies, officers or delegates, which would amend the Constitution must be filed in writing with the International Secretary-Treasurer at least thirty (30) days prior to the Convention at which they are to be considered. Copies of

EXHIBIT A

such resolution shall be distributed to all subordinate bodies prior to the commencement of the Convention with, if possible, an estimate of the cost factors involved with the proposal.

b) The Constitution Committee may submit a proposed amendment by a majority vote of its members, to the full Convention.

Section 3. State and Federal Law

Any Article within this Constitution that is in direct conflict with any State or Federal Law shall not be enforced by the elected officers of the Organization. The General Executive Board shall have authority between Conventions to amend this Constitution as necessary to remove any conflict between its provisions and those of any applicable Federal or State law.

ARTICLE XI. OTHER MATTERS

Section 1. Bonding of Officers and Employees

All Officers and employees of the Organization and subordinate bodies who handle funds or property of the Organization shall be bonded in accordance with Federal Law. The International Secretary-Treasurer shall advise each subordinate body of its bonding requirements. To accomplish this the International Secretary-Treasurer must be furnished with a Certified Public Accountant's audit of each subordinate body's books. The expense of such bonding shall be borne by the Organization and all bonds shall be held in trust by the International Secretary-Treasurer.

Section 2. Pledge for Officers

All officers of the Organization shall, within thirty (30) days of taking office or commencing employment, sign the following pledge which shall be immediately forwarded to the International Secretary-Treasurer and filed by him:

> "I hereby pledge that I will faithfully perform the duties of the office which I shall hold; that I will observe, enforce and support the Constitution and By-Laws of the International Organization of Masters, Mates and Pilots, to the best of my ability. I believe in the democratic form of government and constitution of the United States of America, and will defend the same to the best of my ability. I further pledge to work at all times for the best interests of the members of International Organization of Masters, Mates and Pilots, so help me God."
>
> (This pledge to be adapted for representatives in foreign countries.)

Section 3. Strikes and Lockouts

a) The International President is authorized to direct a subordinate body to take a vote to accept or reject a proposed contract, either by referendum ballot or by such procedure as is outlined in the subordinate body's By-Laws.

b) Prior to a subordinate body becoming involved in a strike, lockout, boycott, lawsuit or other serious difficulty such subordinate body shall notify the International President immediately of the nature of the difficulty and the action contemplated. If the action to be taken shall involve other subordinate bodies or other labor organizations, the International President shall have the authority to modify or prohibit such action.

c) Subordinate bodies are authorized to establish programs to provide strike or out-of-work benefits in case of strike or lockout, in accordance with the subordinate body's By-Laws.

Section 4. Collective Bargaining Agreements

Subordinate bodies shall have authority to negotiate agreements affecting their locality and jurisdiction exclusively. The agreements must be made in the name of the International Organization of Masters, Mates and Pilots. No agreement shall be signed by an officer without receiving the consent of the International President. Original copies of all agreements are to be forwarded to the Organization, copies to be made and retained by the subordinate body. No subordinate body shall purport to make the Organization or any other subordinate body a party to, or refer to it as a separate entity in, any collective bargaining or

EXHIBIT A

other agreements without the express written consent of the International President.

Section 5. Official Publication

a) The Organization shall publish and distribute to all members an official publication which shall be known as "The MASTER, MATE AND PILOT". Such publication shall contain matters related to Organization functions, policies and activities.

b) The official publication shall be under the direction of an Editorial Board elected annually by the General Executive Board. The Board shall consist of the International Subcommittee and three members elected by the General Executive Board.

c) Every member shall have the right to fair and reasonable access to the official publication for presentation of a point of view for or against proposed amendments to this Constitution or other matters submitted to referendum, subject to reasonable rules adopted by the General Executive Board.

Section 6. Separate Counting of Subordinate Body Ballots in Any Referenda

In all elections and referenda votes cast by members of each subordinate body shall be counted and the results published separately. The ballots and all records pertaining to the election or referenda must be preserved for one year.

ARTICLE XII. CREATING INTERNATIONAL ORGANIZATION MASTERS, MATES AND PILOTS, ASSOCIATED MARITIME WORKERS LOCALS

Section 1. Eligibility

Eligibility to membership shall be any person employed in the maritime industry not working under the authority of a license.

Section 2. Initiation Fees, Dues, International Dues and Reinstatement Fee

The minimum initiation fee shall be $15. The

minimum annual dues shall be $36. The International Dues shall be paid to the International Secretary-Treasurer quarterly, at the rate of $1.80 per member per quarter. The reinstatement fee shall be $25 and three months' dues in advance. The minimum annual dues for unlicensed supervisory deck officers shall be $60.

Section 3. Transfer of Members to Other Locals

Associated Maritime Workers Locals shall arrange an equitable agreement for transfer of membership to other Locals, provided, however, no Associated Maritime Worker Local member shall be transferred to another Local except by paying the difference in the amount of the initiation fee which he paid to his Associated Maritime Workers Local and the initiation fee of the Local into which he is transferring.

Section 4. Joint Meetings

Regular and Associated Maritime Locals may call joint special meetings for transaction of business affecting both Locals.

Section 5. Representation at International Conventions and International Executive Committee Meeting

During the Convention, Associated Maritime Workers Locals shall be entitled to representation based on the average International Dues paid into the International Organization during the preceding year. Associated Maritime Workers Locals shall vote only on matters pertaining to their own class of work and to elect International Officers. The Executive Officers of each Associated Maritime Workers Local, or if the Executive Officer is not available, such officer of the Local as shall be appointed by majority vote of the Executive Committee of such Local, shall be a member of the International Executive Committee with voice and vote on matters pertaining to his class of work.

ARTICLE XIII. EFFECTIVE DATE

Section 1

The effective date of this Constitution shall be October 1, 1970. Thereafter, the provisions of the

EXHIBIT A

previous Constitution shall become void except as otherwise provided in this Constitution.

Section 2. Transition Period

a) It is recognized that major changes in the structure of the Organization cannot be accomplished without careful planning and extensive work by Officers and employees. Consequently, upon certification by the Impartial Balloting Agency that the membership has adopted this Constitution, the Officers of the International and subordinate bodies are hereby authorized to take such steps as are necessary to accomplish the reorganization of the Organization as provided herein and to promote orderly transition from the former organization. This includes, but shall not be limited to, administering the provisions of collective bargaining agreements; changing the titles of Port Officers, arranging uniform administrative procedures; entering into contracts with existing or new service organizations or professional advisors for periods not exceeding five years, utilizing letterhead or other identifying matter carrying the new structure arrangement.

As of January 1, 1972, the provisions of this Section 2 shall become inoperative and this Section 2 shall be deleted from the Constitution in all future publishing or duplication.

b) *Protection of Locals' Assets*

The amalgamation of Locals in the course of formation of Divisions will necessarily result in the Division replacing all amalgamating Locals. To protect the interests of the amalgamating Locals' members, provision has been made for administration of the collective bargaining agreements of the Locals. To protect the interests of the Locals' members in the Locals' assets, the following protective rules are established:

All assets of any present offshore Local shall be subject to disposition only by vote of the membership of that Local pursuant to its current By-Laws. For the purpose of disposing of their assets in accordance with the desires of the Local's membership, present offshore Locals shall continue to exist for a period not to exceed three years. Neither the Organization nor the Division nor any person or entity except the members of the Local involved may direct or participate in any degree in the decision of the Local's membership regarding disposition of its assets. If a Local's membership so decides such assets or part thereof may be used to pay or prepay the dues obligations or part thereof of former members of such Local to the Organization or to the appropriate Division.

c) *Existing Probationary Members*

Membership rights and obligations of those persons who are probationary members at the date of adoption of this Constitution shall not be affected.

d) No person elected by the membership of a former Local shall receive compensation or benefits less than those which would have been paid during his elected term in Local office, if he is not re-elected in the election to be held in 1971. He shall receive all the compensation or benefits for the entire term of the Local office to which he had been elected.

e) For the transitional term of office, Convention delegates shall be elected in the same manner and in the same numbers as is provided in the Constitution or By-Laws of the former Offshore Locals.

f) The alternates to the Offshore Division Vice Presidents for meetings of the General Executive Board during the transitional period shall be:

Vice President	*Alternate*
Atlantic	
Pacific	Orion Larson
Gulf	P. Mitchell, until 12/31/71
	H. Stegall, thereafter

g) In order to resolve the problems existing amongst certain members and Locals on the West

EXHIBIT A

Coast and to promote orderly merger of the Offshore Locals and benefit plans, the Organization shall maintain an office in San Francisco, California, appropriately staffed.

h) During the transitional period there shall be annual Conventions of the Organization; and prior to January 1, 1971, expenses for delegates shall be paid in the same manner as prior to the adoption of this Constitution.

EXHIBIT A

BY-LAWS
of the
INTERNATIONAL ORGANIZATION
OF
MASTERS, MATES AND PILOTS

OFFSHORE DIVISION

October 1, 1970

BEST COPY AVAILABLE

EXHIBIT B

BY-LAWS OF THE OFFSHORE DIVISION

TABLE OF CONTENTS

	Page
Article I—Authority of the Membership	1
Article II—Eligibility for Membership	1
Article III—Elective Officers and Tenure	2
Article IV—Minimum Qualifications for all Candidates	3
Article V—Nominations and Election of Officers	4
Article VI—Duties of Officers	5
Article VII—Salaries of Elected Officers	8
Article VIII—Membership Meetings	9
Article IX—Offshore Division Executive Council	9
Article X—Committees	10
Article XI—Income and Assets	11
Article XII—Convention Delegates	12
Article XIII—Resignations, Vacancies, and By-Elections	13
Article XIV—Transfers, and Terminations of Membership	13
Article XV—Recall or Suspension of Officers	15
Article XVI—Misconduct and Trial Procedure	16
Article XVII—Rules of Order	19
Article XVIII—Amendments to By-Laws	20
Article XIX—Effective Date, Interim Measures	20

BY-LAWS OF THE OFFSHORE DIVISION

PREAMBLE

We, the members of the International Organization of Masters, Mates and Pilots, for the safeguarding of democratic procedures and the rights of the membership in an organization predominantly seafaring and for the promotion and improvement of our economic welfare and professional standards that the best interests of the membership may be better served, do hereby adopt these By-Laws of the Offshore Division.

ARTICLE I
AUTHORITY OF THE MEMBERSHIP

Full and final authority of the Offshore Division shall reside in the membership. This authority shall be delegated or exercised by the membership at regular or special meetings, or when properly initiated by membership referendum. In between referenda or meetings or at other times when the membership cannot exercise their authority as provided herein, this authority shall be exercised by the Offshore Division Executive Council or by the duly elected officials. Nothing in these By-Laws shall be construed as removing the full and final authority of the membership.

Any Article or Section within these By-Laws that is in direct conflict with any State or Federal Law shall be inoperative, but the same shall not void this instrument in its entirety.

This body shall be known as the International Organization of Masters, Mates and Pilots—Offshore Division. It shall be referred to in these By-Laws as the "Offshore Division".

ARTICLE II
ELIGIBILITY FOR MEMBERSHIP

Section 1

a) Persons eligible for membership in this Organization shall possess a valid United States Coast Guard Merchant Marine Officer's license,

EXHIBIT B

certificate, or other evidence of professional capability.

b) No applicant may be admitted to membership and no member may be permitted to transfer from another subordinate body unless the ratio of members in the Offshore Division, to the number of jobs under Offshore Division contracts, is less than 1.5 to 1. When such conditions exist first all members wishing to transfer from other subordinate bodies of the International may be admitted. Then applicants may be considered for membership. The ratio described herein shall be subject to annual review and may be amended by the General Executive Board.

c) Membership in the Offshore Division shall be subject to the provisions of the International Constitution.

d) Applicants can only ship when no member is available, and remain on board for one voyage only, but in no event longer than ninety days.

Section 2

The Offshore Division Executive Council may create a special unit for persons receiving retirement benefits from any retirement program negotiated by, or administered by, the Organization.

ARTICLE III
ELECTIVE OFFICERS AND TENURE

Section 1

a) The elective officers of the Offshore Division shall consist of: International President; International Executive Vice President; International Secretary-Treasurer; Vice-President (Atlantic); Vice President (Pacific); Vice President (Gulf), and the officers listed in (b) below.

b) Offshore Ports shall be classified on the basis of requirements of service to the membership. Initial Port classifications shall not be changed for a minimum period of five (5) years following the adoption of these By-Laws. There shall be elected Port Agents and/or Executive Assistant Port Agents and/or Assistant Port Agents in the following locations:

BOSTON	NEW ORLEANS
PROVIDENCE	GALVESTON
NEW YORK	HOUSTON
PHILADELPHIA	PORT ARTHUR
BALTIMORE	WILMINGTON
NORFOLK	(CALIFORNIA)
JACKSONVILLE	SAN FRANCISCO
MOBILE	PORTLAND
	SEATTLE

c) Field Representatives shall be elected initially for the following locations:

CORPUS CHRISTI	SAVANNAH
CHARLESTON	SOUTHEAST
HONOLULU	FLORIDA
	TAMPA
	PUERTO RICO

d) Additions to the Ports or Port classification of Port listed in (b) and (c) above shall be determined by the Offshore Division Executive Council.

Section 2

The term of each office shall be three (3) years or until a successor is elected.

ARTICLE IV
MINIMUM QUALIFICATIONS FOR ALL CANDIDATES

Section 1

No member shall be a candidate for office unless, at the time of nomination:

a) he has been a member of the Offshore Division for at least four (4) years, one of which shall be immediately prior to the nomination; and

b) he is a member in good standing as provided in Article III, Section 4 of the International Constitution.

Section 2

The licenses or certificates of all candidates shall be valid.

Section 3

Nominees shall be men of good moral character. They shall not have been convicted of a felony within the last five years prior to their nomination.

EXHIBIT B

nor have ever been found guilty by a court, union tribunal or the membership of an offense involving union trust such as offering a bribe to a union official, accepting a bribe as a union official, or conspiring to subvert the union contract.

Section 4

No member may be a candidate for more than one paid elective office in any election.

Section 5

No candidate may be an active member of another union without the express consent of the General Executive Board of the Organization. He shall submit an affidavit attesting that he is not in violation of this provision.

Section 6

All provisions of these By-Laws relating to election processes and the positions of officers and representatives as defined and enumerated herein shall be effective for the term of office commencing January 1, 1972.

ARTICLE V
NOMINATIONS AND ELECTION OF OFFICERS

Section 1

Nomination of officers of the Offshore Division, except the International President, International Executive Vice President, and International Secretary-Treasurer, shall be made during the month of June of each election year. Nominations shall be made by any member in good standing and shall be signed by at least two members in good standing. Nominations shall be in writing* and be forwarded to the International Secretary-Treasurer. The International Secretary-Treasurer shall prepare a list of all nominees. This list shall be given the fullest publicity which shall include its posting in the offices and meeting rooms of the Offshore Division.

* Shall include telegraph, radiogram or similar communications.

Section 2

[illegible] candidates who shall have n[illegible] the International Secretary-Treasurer, in writ[illegible] within ten (10) days after the close of the n[illegible] nating period that they will accept the nomina[illegible] shall have their names placed on the ballot. T[illegible] acceptance shall include a certification that he [illegible] not prevented from holding office by any provisi[illegible] of the Labor-Management Reporting and Di[illegible] closure Act of 1959 or by any provision of the By-Laws or the International Constitution.

The International Secretary-Treasurer sha[illegible] prepare a list of all acceptances and this lis[illegible] shall be given the fullest publicity which sha[illegible] include its posting in the offices and meeting roor[illegible] of the Offshore Division.

Section 3

The International Ballot Committee, elected [illegible] accordance with the International Constitution[illegible] shall supervise the election of officers of the Off[illegible] shore Division. The election shall be conducte[illegible] by the Impartial Balloting Agency selected b[illegible] the Convention subject to the same rules and con[illegible] ditions outlined in the International Constitu[illegible] for International elections, except as specifica[illegible] provided for in these By-Laws.

Section 4

There shall be a minimum of a ninety (90) da[illegible] voting period for the election of officers simulta[illegible] neous with election of International Officers. A[illegible] the outset of and during the said election perio[illegible] each candidate shall be allowed equal space in t[illegible] Organization's official publication to present h[illegible] qualifications, views, and photograph subject [illegible] reasonable rules uniformly imposed by the Gener[illegible] Executive Board.

The newly-elected officials shall take office January 1.

ARTICLE VI
DUTIES OF OFFICERS

Section 1

International President — The Internatio[illegible]

EXHIBIT B

President shall be the Executive [illegible]cer of this Div[illegible] and shall, with the comple[illegible] assistance of all members of the Offshore Division Executive Council, enforce the International Constitution and these By-Laws. He shall enforce all provisions of the Offshore collective bargaining agreements and shall act as Chairman of the Negotiating Committee, or designate a Chairman. He shall settle, if possible, all disputes, interpretations, grievances or complaints arising over such enforcement, or lack thereof. In assuming those responsibilities, the International Secretary-Treasurer, the International Executive Vice President, the Vice Presidents, the Port Agents and Assistant Port Agents shall function under his direct supervision and orders. He shall have the right to attend and express his views at any meetings. It shall be the explicit responsibility of the International President not only to enforce the Shipping Rules fully and equitably, but also to provide for the proper maintenance of all shipping records. He shall employ such administrative and professional personnel as are needed to effectively operate the Offshore Division.

He shall be a Delegate to all Conventions of the International Organization of Masters, Mates and Pilots. He shall, as Executive Officer of this Organization, be an ex-officio member of all committees of the International Organization. When available, he may chair any membership meeting.

Section 2

International Executive Vice President—It shall be the duty of the International Executive Vice President to assist the International President in the discharge of his duties, as outlined in Section 1 of this Article, and such other duties as the Organization may require. The International Executive Vice President shall act for the International President when the latter is not able to perform the duties of his office.

Section 3

International Secretary-Treasurer—The International Secretary-Treasurer shall receive all

Offshore [illegible]
[illegible]ember [illegible]
[illegible]. He shall be [illegible]
all [illegible]y bonds, or any other financial
prop[illegible]ty to the Offshore Division.
financ[illegible]ks and accounts shall be kept in
accordance with accepted accounting procedures.
They shall be subject to an annual audit by a
Certified Public Accountant. The annual financial
reports shall be published in the Organization's
official publication. He shall sign all checks in payment of the Offshore Division's obligations. He shall pay the salaries of employees of the Division and shall reimburse them for properly documented expenses. In the absence of the International Secretary-Treasurer, which will include vacation, sick leave, leave of absence or any leave where during such period he relinquishes his duties, the International President, or the International Executive Vice President, or the Offshore Division Vice President, in that order, shall have authority to sign checks and carry out his duties.

He shall keep on file the original proceedings of all regular and special membership meetings and those of the Offshore Division Executive Council. He shall have posted the true copies of Executive Council minutes on the bulletin boards in the meeting rooms of the Offshore Division not less than twenty-four hours prior to the next membership meeting. He shall issue all applicant cards, membership books, retired member cards (if any), transfers, and withdrawal cards. He shall, at the expiration of his term of office, or earlier if recalled, surrender to his successor all books, papers, funds and any and all properties belonging to the Offshore Division.

Section 4

Vice President—The Vice Presidents shall coordinate the activities of the Port Agents, Executive Assistant Port Agents, and Assistant Port Agents under their direction and shall perform such specific duties as are assigned to them by the International President. They shall take appropr

EXHIBIT B

that disputes are settled and that the collective bargaining agreements are effectively and uniformly enforced. They may act as the Chairman at a membership meeting in any Port under their supervision.

Section 5

Port Agents, Executive Assistant Port Agents and Assistant Port Agents—Port Agents, Executive Assistant Port Agents and Assistant Port Agents shall be responsible for the efficient and orderly conducting of business at the port office to which they are elected. Port Agents, Executive Assistant Port Agents and Assistant Port Agents shall perform other duties required by the Vice President for the area.

ARTICLE VII
SALARIES OF ELECTED OFFICERS

Section 1

The salaries and benefits of elected Officers of the Division shall be determined by the membership of the Offshore Division.

Section 2

Officers shall receive reimbursement for reasonable expenses incurred in performing their duties. Such reimbursement shall be made upon submission of application or completion of procedures which shall be determined by the International Secretary-Treasurer after consultation with the Division's Certified Public Accountant.

Section 3

All paid elected officials shall be bonded according to the provisions of the Federal Law. The premium thereon shall be paid by this Division.

Section 4

During their terms of office, elected officers shall not be registered on the shipping lists nor shall they be employed on any vessel without approval of the Offshore Division Executive Council.

ARTICLE VIII
MEMBERSHIP MEETINGS

Section 1

The regular meetings of this Division must be held in all major Ports on the second Wednesday of each month at 1400 or, if a job call occurs at 1400, immediately after the job call. Should any of these meetings be a holiday, the meeting shall convene the next day at the regular time.

Section 2

Special meetings may be called on forty-eight hours advance notice (Saturdays, Sundays and holidays excluded), in any Port by the International President or by a majority vote of the Offshore Division Executive Council. Notice of a special meeting and its stated purpose shall be posted on the Organization's bulletin boards and all contracted ships in port alerted. No other business than that for which the meeting was called shall be transacted.

Section 3

At all meetings not less than twenty-five percent (25%) of the membership registered for shipping, with a minimum of fifteen members, shall constitute a quorum for the transaction of business.

Section 4

At regular or special membership meetings, the Port Agent shall be Chairman. In the absence of the Port Agent, another elected official shall be designated Chairman.

ARTICLE IX
OFFSHORE DIVISION EXECUTIVE COUNCIL

Section 1. Composition

The Offshore Division Executive Council shall be composed of the following elected officers:

International President
International Executive Vice President
International Secretary-Treasurer
Vice President—(Atlantic)
Vice President—(Pacific)

EXHIBIT B

Vice President—(Gulf)
Port Agents from the following Ports:
Atlantic Coast—Encompassing area from Canadian-Maine border to and including Savannah, Georgia. The ports in this area are:

Boston	Philadelphia
Providence	Baltimore
New York	Norfolk

Gulf Coast—From south of Savannah to Mexican border including Brownsville, Texas. The ports in this area are:

Jacksonville	Galveston
Mobile	Houston
New Orleans	Port Arthur

Pacific Coast—From Mexican border to Canadian border, including Alaska, Hawaiian Islands and the Philippines.
Wilmington, California
San Francisco
Portland, Oregon
Seattle

Section 2. Meetings and Authority

a) The International President shall be Chairman of the Offshore Division Executive Council. The Council shall convene on the call of the International President or by request of a majority of its members. The time, date and place of the meeting shall be determined by the party calling for the meeting. There shall be at least one meeting of the Council each calendar year. A majority of the Council members shall constitute a quorum.

b) The Offshore Division Executive Council shall have the authority to consider and act on any and all matters affecting the Offshore Division.

ARTICLE X
COMMITTEES

Section 1. Membership Committee

A Membership Committee shall be established by the Offshore Division Executive Council and shall consider any and all applicants for membership and transfers. Rules and procedures for the operation of the Committee shall be developed by the Executive Council.

Section 2. Strike Committees

A Strike Committee of a minimum of three members in each port shall be elected at regular or special membership meetings whenever the circumstances warrant. This committee shall elect its own Chairman. Such committee shall coordinate its functions with the Negotiating Committee and the regularly elected Officers. It shall be its duty to establish picket lines and otherwise make the strike complete and effective. Picket cards shall be issued and complete and accurate records maintained.

Section 3. Negotiating Committee

A Negotiating Committee consisting of the International President, International Executive Vice President, International Secretary-Treasurer, the Vice Presidents, twelve members from the Atlantic Coast, eight members from the Gulf Coast and eight members from the Pacific Coast, shall prepare contract demands and approve tentative settlements of any contracts affecting the Offshore Division. The Negotiating Committee by its majority vote shall have the authority to call a strike against an Employer or Employers. A majority vote of this Committee shall be required before a proposed contract is presented to the membership in referendum ballot, for ratification.

ARTICLE XI
INCOME AND ASSETS

Section 1

The income of this Division shall include initiation fees, dues, assessments, interest on bonds, stocks, bank deposits, service fees, and money received from any other source.

Section 2

Effective October 1, 1970 the dues for members shall be $75.00 per quarter. Dues to be payable quarterly, semi-annually or annually in advance. From this amount the necessary International

EXHIBIT B

Dues shall be paid to the International Organization. Also effective October 1, 1970, applicants awaiting membership in this Division shall pay a service fee of $75.00 per quarter, payable in advance. An amount equal to the current International Dues shall be deducted from the service fee and forwarded to the International Organization.

a) The initiation fee for an applicant who had an original license issued less than one year prior to the date of application, military service excluded, shall be $1,000.

b) The initiation fee for an applicant who has had an original license for one year or over but less than five years as of the date of his application, military service excluded, shall be $2,000.

c) The initiation fee for an applicant who has had any license five years or over from the date of issue of the original license to the date of application, military service excluded, shall be $3,000.

d) Effective January 1, 1972, all initiation fees collected by the Division shall be paid to the International Organization as they are received.

e) For matters not specifically covered in this Section 3, applicants shall be covered by the applicable provisions of the International Constitution.

ARTICLE XII
CONVENTION DELEGATES

Section 1

Nominations and election of Delegates and Alternates to the International Convention shall take place at the same time and in the same manner as provided for other elected officers.

Section 2

The International President, International Executive Vice President, International Secretary-Treasurer, and Offshore Division Vice Presidents shall be Convention delegates by virtue of their office. All other delegates shall also be elected by secret referendum ballot in accordance with the International Constitution.

ARTICLE XIII
VACANCIES AND BY-ELECTIONS

Section 1

Any officer of this Division, providing no charges of violation in part of office or illegally using office for personal gain are pending against him, may resign from office. Such resignation shall be dated and shall be presented in writing to the International President or International Secretary-Treasurer.

Section 2

If a vacancy in any elective Offshore Division office occurs by death, resignation or otherwise where the unexpired term is less than two years, it shall be filled pro tem by the Offshore Division Executive Council until the next election.

Section 3

Filling a vacancy in any elected office for an unexpired term in excess of two years shall be determined by a referendum election. Nominations for such unexpired term shall follow the procedure outlined for regular nomination for officers. The ballot shall be prepared and the referendum conducted in the same manner as the regular election of officers. The interval between the vacancy and the completion of the referendum election shall be filled as mentioned in Section 2 of this Article.

ARTICLE XIV
TRANSFERS AND TERMINATIONS OF MEMBERSHIP

Section 1. Transfer to Another Subordinate Body

a) A member may transfer to another subordinate body of the Organization only with the approval of that subordinate body.

b) Until the member is accepted by another subordinate body he shall remain a member of the Offshore Division and shall continue to fulfill all his obligations to the Offshore Division.

EXHIBIT B

c) No [illegible] of the Offshore Division unless [illegible] on the books and [illegible] paid in advance shall be refunded or [illegible].

d) No transfer shall be granted during any general strike, lockout or work stoppage.

Section 2. Transferring Into the Division

a) Members may transfer into the Offshore Division only with the consent of the Membership Committee. Transfers will be considered by the Membership Committee only if there are membership vacancies as described in Article II, Section 1 (c) of these By-Laws. In such event the Membership Committee will act on the transfer and, if approved, the member shall be admitted and declared a member of the Offshore Division.

b) Any member of another subordinate body of the Organization whose application for transfer of membership is approved on or after October 1, 1970 must also pay the difference in the amount of the initiation fee he had paid and the then current Offshore Division initiation fee.

Section 3. Termination of Membership

a) Any member of the Offshore Division may be issued a withdrawal card. Such requests must be in writing. Members issued withdrawal cards shall sever all relationship with the Offshore Division and if they wish later to rejoin the Organization they shall be treated as any new applicant.

b) If a member loses membership for non-payment of dues he may only regain his membership in the manner of any new applicant.

Section 4. Active Duty in Armed Forces

Any member who is in good standing at the time he is drafted for active duty in the Armed Forces, shall be relieved of the responsibility of paying dues for the period he is involuntarily retained in the Armed Forces. However, he shall keep the International Secretary-Treasurer advised of his military status and his legal address and maintain communication with the Division.

Any member who volunteers, enlists, or re-

enlists after being drafted, shall not be relieved of the responsibility of paying dues. Such a member must, if he wishes to remain a member in good standing, continue to pay his dues, or he shall terminate membership.

Section 5. Membership Card and Book

a) Members shall be issued membership cards or books. Applicants may be issued Applicant Cards. Retired members may be issued special identification forms.

b) Any member who is expelled, suspended, withdrawn or transferred from this Division must deposit his membership card with the International Secretary-Treasurer.

ARTICLE XV
RECALL OR SUSPENSION OF OFFICERS

Section 1

Any elected officer of this Division may be recalled by a secret majority referendum vote of the Division's membership. Such a referendum may be initiated by a two-thirds (⅔) majority vote of the Offshore Division Executive Council or by a petition signed by twenty-five percent (25%) of the members in good standing.

Section 2

During the secret referendum referred to in Section 1 above, the elected official may be suspended under such conditions and circumstances as the Offshore Division Executive Council may determine, by its two-thirds (⅔) majority vote.

Section 3

If the majority of the membership vote is to recall the elected officer, he shall thereupon be removed from office and all salary and benefits shall immediately terminate.

If the majority of the membership vote against the recall of the elected officer, he shall be cleared of all charges and fully restored to his office.

Section 4

An impartial balloting agency shall conduct all referenda required by this Article.

EXHIBIT B

ARTICLE XVI
MISCONDUCT AND TRIAL PROCEDURE

Section 1. Basis for Charges

The basis for charges against any member of the Offshore Division shall be as follows:

a) Violation of any provision of the International Constitution or these By-Laws.

b) Disobedience of any reasonable regulation, rules, orders or mandates of the International or the Offshore Division.

c) Violation of the oath of loyalty to the Division or to the International.

d) Abuse of fellow members by libelous or slanderous communications.

e) Secession or fostering same.

Section 2. Place of Trial

Any member of the Organization whose acts form the basis for charges as set forth in Section 1 above, shall be tried in the Port in which he is or was last registered.

Section 3. The Form of Charges

When charges are made against any member of the Division, the following requirements must be met:

a) The charges must be written and presented to the International Secretary-Treasurer.

b) The charges must include the approximate time and place of the offense committed.

c) The charges must be signed by the complainant.

d) A copy of the charges shall be furnished to the accused by personal service or by registered letter to his last known address.

In addition, a copy of the charges shall be posted on the bulletin board in the Port Office.

e) Any member against whom charges have been made may plead guilty to one or more of the charges. In the event a member does plead guilty, his plea of guilty must be accompanied by a written waiver of his rights under this Section, and

shall also state that he authorizes the Trial Committee to assess a fine or impose discipline without his presence.

Section 4. Selection of the Trial Committee

When charges against a member of the Division are properly preferred, a Trial Committee shall be selected [illegible] first regular meeting in the Port where the charges are filed after the charges have been served. However, if the Offshore Division Executive Board by its majority vote, believes that the charges are entirely without merit, the charges shall be dismissed forthwith.

a) When the Accused is Present:

The presiding officer at the meeting shall draw seven names. If any member declines to serve on the Trial Committee another name shall be drawn. The accused member and the charging member shall each have the right to strike four names. The first three of the names remaining shall constitute the Trial Committee, two of which shall constitute a quorum.

b) When the Accused is Not Present:

When charges are properly made against any member of the Division and are properly served against the member of the Organization, and when said member is not present when the Trial Committee is selected, the procedure shall be as follows:

The accused may designate any person to act as his representative and in such event, the procedure for the selection of the Trial Committee shall be the same as if the accused was present. In the absence of such designated representative for the accused, the presiding officer at the meeting shall draw seven names. If any member declines to serve on the Trial Committee, another name shall be drawn. These seven names shall constitute the Trial Committee, five of whom shall constitute a quorum.

If the quorum for a Port's regular meeting is less than twenty, the presiding officer shall draw five names. If any member declines to serve on the

EXHIBIT B

Trial Committee, another name shall be drawn. These five names shall constitute the Trial Committee, three of which shall constitute a quorum.

Section 5. Trial Committee Procedure

a) By majority vote the Trial Committee may apply to the national headquarters of the AFL-CIO for the designation of the impartial chairman who shall be without vote and whose responsibility shall be to conduct the trial in a fair and impartial manner.

b) The Trial Committee shall not convene until the accused has a reasonable opportunity to prepare his case.

c) The accused may be represented by counsel of his choice and a written record shall be made of all testimony and documents submitted at the hearing.

d) The accused shall be afforded a full and fair hearing which shall include the right to call witnesses on his own behalf and to cross-examine any adverse witness.

e) In the event the accused member does not appear after he has been given a reasonable time to prepare his defense, the Trial Committee shall proceed with the trial and a written record shall be made of all the testimony and documents submitted at the hearing.

f) The Trial Committee shall render its findings and judgment in writing to the members at a regular meeting.

g) The decisions and penalties that the Trial Committee may impose may consist of reprimands, fines, suspensions, revocation of certain privileges of membership, and expulsion.

Section 6. Appeals

a) The written record of the testimony before the Trial Committee and the documents submitted to the Trial Committee shall be kept on file by the International Secretary-Treasurer for the purpose of appeals.

b) All appeals must be taken within fifteen days from the date of the findings of the Trial Committee were presented to the regular meeting. The appellant shall mail a written notice of appeal to the International Secretary-Treasurer and the notice shall clearly state that an appeal is being taken from the particular decision in the particular case.

c) Pending any appeal, the decision appealed from shall remain in full force and effect unless otherwise decided by a majority vote of the Offshore Division Executive Council.

d) Appeals shall be made to (1) the Offshore Division Executive Council; and (2) the General Executive Board; and (3) the International Convention.

e) The date when an appeal will be considered by any of the above appellant bodies may be fixed by it, and notice of the date shall be served personally or by registered mail on the accused.

f) The accused shall be accorded the right to appear before the appellate body and present argument on the case.

g) In the discretion of the body hearing the appeal, appeals shall be heard either on the record made before the Trial Committee or by a hearing.

ARTICLE XVII
RULES OF ORDER

The following Rules of Order will be utilized at all regular membership meetings:

1) Call to order by the Chairman
2) Roll call of officers
3) Reading minutes of last meeting
4) Admission of new members
5) Reports of officers
6) Reports of Committees
7) Unfinished Business
8) Good and Welfare
9) New Business
10) Adjournment

In matters not specifically provided for in these By-Laws, Robert's Rules of Order shall prevail.

EXHIBIT B

ARTICLE XVIII
AMENDMENTS TO BY-LAWS

Section 1

These By-Laws may be amended by a secret majority referendum vote of the Division's membership.

Proposed amendments may be submitted to such membership vote by either a majority vote of the Offshore Division Executive Council or by a petition signed by fifteen percent (15%) of the Division's members in good standing.

Section 2

An impartial balloting agency shall conduct all referenda required by this Article.

ARTICLE XIX
EFFECTIVE DATE, INTERIM MEASURES

Section 1

The provisions of these By-Laws shall become effective January 1, 1972 unless otherwise provided. The provisions of prior Offshore Local Constitutions or By-Laws shall be null and void as of December 31, 1971 except as outlined below.

Section 2

In order to accomplish an orderly transition to a national division structure and during the change preserving democratic and historical methods of conducting business the following procedures shall apply:

a) All elective offices of the Offshore Division shall be open for nominations during the month of June, 1971. An election shall be held simultaneously with the election of International Officers. Only those candidates who have notified the Secretary-Treasurer of their Local, in writing, within ten (10) days of the close of the nominating period, that they will accept the nomination, shall have their names placed on the ballot. Prior to July 1, 1971 each Local shall elect a Ballot Committee which shall certify the eligibility of each

[illegible] agency the [illegible] January 1, 1972 and [illegible] office for a three-year term or until their successors are elected.

b) Except as specifically provided by Convention action, all membership referendum, the operating [illegible] procedures of the respective Offshore Locals in effect as of October 1, 1970 shall be followed.

c) Candidates for elections to the respective Port Official offices shall be restricted to the members of record of the Local as of July 1, 1971 for the 1971 election.

d) Nominations for such elected Officials shall be restricted to the members of record of the Local as of July 1, 1971 for the 1971 election.

e) Voting for such elected officials shall be restricted to the members of record of the Local as of July 1, 1971 for the 1971 election.

f) Field Representatives—Initially, Field Representatives are designated to cover persons formerly representing the Organization in outports of Locals. For the time being, such Field Representatives shall be designated in the same fashion as provided under the existing procedures of any former Local which so employs them.

g) There shall be no reduction of any existing staff or any existing benefits in any Port. By staff is meant all personnel employed in the operation of any former Local including attorneys, accountants, etc.

h) Offshore Ports shall be classified on the basis of requirements of service to the membership. Initial Port classifications shall not be downgraded for a minimum period of five years following the consolidation of the Locals but may be upgraded by action of the International Subcommittee based upon increased service requirements to the membership.

i) For the transitional term of office, the New York Port Agent shall also be the Vice President

EXHIBIT B

(Atlantic): the San Francisco Port Agent shall also be the Vice President (Paci and the Galveston Port Agent shall also be th ice President (Gulf). For all elective terms of office subsequent to the transitional term (January 1, 1975), Offshore Division Vice Presidents shall be elected in regular election by a majority vote of the membership of the Offshore Division.

j) All initiation fees and dues for the Offshore Division shall be remitted to the International Organization and the International Office will pay all expenses for the Offshore Division. Adequate time will be allowed for former Local's to clear up their monetary affairs and the remission of monies from the former Locals to the International Organization may not be required to commence prior to January 1, 1972.

k) The number of personnel, the level of services, and the individual port facilities in existence at the time of consolidation shall be maintained.

l) Local's assets shall remain with the membership of the Local.

m) Not later than January 1, 1972 the International shall establish and maintain a revolving fund in each Port where such has been the practice. The level at which the revolving fund must be maintained in what was formerly the Local Headquarters port shall be sufficient to cover the following: The equivalent of not less than three months' salaries and sufficient funds to pay incidental expenses. Salary checks shall be issued through the office of the Port Agent (formerly Executive Officer of the Local) and shall be issued in accordance with the past practice of the Local on a weekly, semi-monthly or monthly basis.

n) Unless otherwise determined by the membership of the former Local, the present location of any building owned by a Local shall remain in that same location. The Offshore Division shall pay an adequate rental to the owner or "membership corporation" to cover the operating expenses of the building for the space occupied by the Offshore Division. The Offshore Division shall honor all existing leases, leaseholds and contracts.

o) [illegible] October 1, 1970 the titles and [illegible] of the [illegible] of former Offshore Locals [illegible] changed to titles outlined in these By-Laws. Regular elections shall be held as required by the Constitutions or By-Laws of former Offshore Locals unless changed by these By-Laws; until the election of all officers required in subsection (a) of this Section 2. No person elected by the membership of former Local shall receive compensation or benefits less than those which would have been paid during his term in Local Office, if he is not re-elected in the election required in subsection (a).

Section 3

During this transition to a national division structure, the officials of the Offshore Locals shall maintain the traditional high standards of fiduciary responsibility. Therefore, any By-Law changes affecting terms of office, salaries or benefits of officers or any liabilities that are initiated or incurred after the 1970 New Orleans Constitutional Convention adopted the new International Constitution, shall in no way obligate this Offshore Division unless specifically approved by its Executive Council.

However, the salaries and benefits of elected officers and employees of the Division shall be in accordance with the duties and responsibilities of their office. It is recognized that certain inequities may exist at the time of adoption of these By-Laws. Such inequities shall be eliminated by the Offshore Division Executive Council, and thereafter submitted to the Division's membership for ratification.

EXHIBIT B

In the Matter of :

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS, AFL-CIO : CERTIFICATION OF RESULTS

13 50 0038 71 :

Pursuant to a letter of authorization dated August 24, 1971 from Captain Robert J. Lowen, International Secretary-Treasurer, International Organization of Masters, Mates and Pilots, AFL-CIO, hereinafter referred to as the Union, the American Arbitration Association, hereinafter referred to as the Administrator, agreed to conduct, under its Election Standards and the Constitution of the International, an election of officers among members of the Union.

Ballots were mailed to ten thousand four hundred and forty seven (10,447) members of the Union on September 21, 1971. Deadline for receipt of ballots was midnight, December 21, 1971.

The Administrator duly designated the undersigned to supervise and preside over the counting of the ballots and to issue a certification of the results thereof.

The count took place on December 22, 1971 at the office of the Administrator in the presence of the Ballot Committee, Candidates or their observers.

Of the five thousand seven hundred and sixteen (5,716) ballots received by the Administrator, 863 were not opened and counted for the following reasons:

9	No identification on return envelope
4	No signature on return envelope
4	Duplicates
90	Ineligible
748	No postmark on return envelope (challenged)
2	Received from same voter postmarked at identical hour and date.
6	Issued to other voter

Secrecy of the ballot was maintained at all times.

Results are certified to be as follows:

INTERNATIONAL PRESIDENT

	OFFSHORE	OTHER	TOTAL
[illegible]	795	141	936
[illegible]	1460	191	1651
[illegible]	1665	396	2061

[illegible] EXECUTIVE VICE PRESIDENT

[illegible]	745	134	879
[illegible]	1883	416	2299
[illegible]	1365	178	1543

BEST COPY AVAILABLE

EXHIBIT C

(2)

INTERNATIONAL SECRETARY-TREASURER	OFFSHORE	OTHER	TOTAL
ROBERT J. LOWEN	1938	405	2343
GEORGE H. BALSER	724	130	854
CHARLES O. NORSTRAND	1328	191	1519

PORTS OF BALTIMORE, PHILADELPHIA, NORFOLK, CHARLESTON AND SAVANNAH

PORT AGENT (BALTIMORE) AND CONVENTION DELEGATE

M. WEINSTEIN	508

EXECUTIVE ASSISTANT PORT AGENT (BALTIMORE)

CHARLES M. SNOW	510

ASSISTANT PORT AGENT (BALTIMORE) - VOTE FOR ONE

JAMES R. SILVER	404
J. Q. CONRAD	228

PORT AGENT (PHILADELPHIA)

John J. Handley	515

PORT AGENT (NORFOLK)

WILLIAM K. BEACH	514

FIELD REPRESENTATIVE (CHARLESTON)

DAVID MCLEAN	497

FIELD REPRESENTATIVE (SAVANNAH) - VOTE FOR ONE

HOWARD H. WILLIAMS	430
ALLON H. WILLIAMS	136

CANDIDATES FOR CONVENTION DELEGATE - VOTE FOR FOUR

THOMAS F. O'CALLAGHAN	373
JAMES R. SILVER	466
JOHN J. HANDLEY	504
WILLIAM K. BEACH	471
HOWARD H. WILLIAMS	345

PORT OF BOSTON

PORT AGENT - VOTE FOR ONE

GEORGE E. LANDRIGAN	26
PATRICK J. CONNOLLY	10
PATRICK J. KING	57

ASSISTANT PORT AGENT

FRANK C. FLAHERTY	85

CANDIDATES FOR CONVENTION DELEGATE - VOTE FOR TWO

WILLIAM H. DOHERTY	28
PATRICK J. KING	55
PATRICK J. CONNOLLY	29
FRANK C. FLAHERTY	54

BEST COPY AVAILABLE

EXHIBIT C

VICE PRESIDENT, OFFSHORE DIVISION (GULF)
PORT AGENT (GALVESTON) AND CONVENTION DELEGATE

VOTE FOR ONE

ROBERT JONES	260
ASHLEY N. GORDON	176
BLANK	6

EXECUTIVE ASSISTANT PORT AGENT (GALVESTON)

CHARLES D. CONNALLY	384
BLANK	58

PORT AGENT (HOUSTON)

REUBEN H. McLAURIN	87
ROBERT N. POLUMBO	304
PAUL WILKINS	45
BLANK	6

ASSISTANT PORT AGENT (HOUSTON)

THOMAS D. NEUMANN	311
ROBERT C. CHAMBERLIN	121
BLANK	10

PORT AGENT (PORT ARTHUR)

PATRICK J. DOHERTY	65
JAMES R. GIBLIN	283
WILLIAM B. McNEAL	85
BLANK	9

CANDIDATES FOR CONVENTION DELEGATE - GALVESTON

CHARLES D. CONNALLY	176
JAMES R. GIBLIN	152
THOMAS D. NEUMANN	123
FRANCIS V. BEECHINOR	75
ROBERT N. POLUMBO	209
THEODORE J. TEDDLIE	109

PORTS OF JACKSONVILLE AND HOLLYWOOD (Southeast Florida)

PORT AGENT (JACKSONVILLE) AND CONVENTION DELEGATE - VOTE FOR ONE

ROBERT MACALVANAH	20
ALLEN C. SCOTT	102

FIELD REPRESENTATIVE (SOUTHEAST FLORIDA) - VOTE FOR ONE

JAMES T. RUSSELL	7
JOHN W. BROWN	16
GREGORY J. HATCH	8
A. J. (TERRY) MURPHY	84

CANDIDATE FOR CONVENTION DELEGATE

FRANK PAUL	115

CANDIDATES FOR ALTERNATE CONVENTION DELEGATE - VOTE FOR ONE

FLOYD HEFNER	98
JACOB SPIEGEL	18

PORTS OF MOBILE AND TAMPA

PORT AGENT (MOBILE) AND CONVENTION DELEGATE

FRANCIS E. KYSER	167

EXHIBIT C

FIELD REPRESENTATIVE (TAMPA) - VOTE FOR ONE

JAMES S. PURDY	35
JOSEPH A. STANLEY	100
J. R. (JIM) HOLLAND	21
GEORGE F. CLARKE	25

CANDIDATES FOR CONVENTION DELEGATE - VOTE FOR ONE

JAMES S. PURDY	21
JOSEPH A. STANLEY	75
WALTER J. ANDERSON	60
GEORGE E. ODOM	22
VOID	1

PORT OF NEW ORLEANS

PORT AGENT - VOTE FOR ONE

NICHOLAS L. LAROCCA	63
HENRY M. STEGALL	208

EXECUTIVE ASSISTANT PORT AGENT - VOTE FOR ONE

CORNELIUS F. COYLE	57
RICHARD M. CASSELBERRY	213

ASSISTANT PORT AGENT

A. REID, JR.	222

CANDIDATES FOR CONVENTION DELEGATE - VOTE FOR FIVE

CORNELIUS F. COYLE	117
JOSE MORALES	213
RICHARD M. CASSELBERRY	244
H. J. LANDRY	234
A. REID, JR.	193
MICHAEL E. PSOINICKA	110
HENRY M. STEGALL	211

PORT OF NEW YORK

VICE PRESIDENT, OFFSHORE DIVISION (Atlantic)-PORT AGENT AND CONVENTION DELEGATE - VOTE FOR ONE

CHARLES A. HEMMING	469
JOSEPH B. GAIER	478

EXECUTIVE ASSISTANT PORT AGENT - VOTE FOR ONE

FRANK T. SCAVO	514
JAMES J. CLIFFORD	424

ASSISTANT PORT AGENT no. 1 - VOTE FOR ONE

LAWRENCE A. BURLINGAME	452
RICHARD J. POLACHEK	489

ASSISTANT PORT AGENTS - VOTE FOR FOUR

KENNETH E. FOWLER	445
JAMES C. WHITE	433
ERNEST K. SWANSON	131
HENRY L. (HANK) NEPLAUX	384
VICTOR SOTO	281
WILLIAM P. SCARPENTINO	143
JOHN ADAM MORALES, JR.	253
LUDICER K. T. LANDRY	60
JOHN R. SNYDER	352
JAMES E. CORNELIUS, JR.	409

EXHIBIT C

JAMES T. BRADY	141
ERNEST J. HENDRY	556
FRANK W. CAREY, JR.	86

CANDIDATES FOR CONVENTION DELEGATE - VOTE FOR FOUR

LAWRENCE A. BURLINGAME	351
VICTOR SOTO	274
HENRY L. (HANK) MEREAUX	319
JAMES C. WHITE	366
RICHARD J. TOLACHEK	400
JAMES E. CORNEILLE, JR.	342
ERNEST J. HENDRY	487
JAMES J. CLIFFORD	257
FRANK T. SCAVO	416
WILLIAM R. SORRENTINO	137
CHARLES A. HEMMING	330

CANDIDATE FOR ALTERNATE CONVENTION DELEGATE

JOSEPH WESLEY

PORT OF PROVIDENCE

PORT AGENT AND CONVENTION DELEGATE - VOTE FOR ONE

JOHN F. BEIRNE	65
GERALD H. BASSETT	10
BLANK	13

PORTS OF SAN FRANCISCO, SEATTLE, PORTLAND AND WILMINGTON (CALIFORNIA)

VICE PRESIDENT, OFFSHORE DIVISION (Pacific) PORT AGENT (San Francisco) & CONVENTION DELEGATE - VOTE FOR ONE

HARRY FRIEDMAN	262
JACK OFFUT, JR.	300
ORION A. LARSON	710

EXECUTIVE ASSISTANT PORT AGENT (SAN FRANCISCO) - VOTE FOR ONE (RUN OFF)

GEORGE M. TUTTLE, JR.	427
RICHARD M. OLSON	141
GEORGE BOMARETO	63
RAYMOND A. WOOD, II	57
VIRGIL G. VALENTINE	557

ASSISTANT PORT AGENT NO. 1 (SAN FRANCISCO) - VOTE FOR ONE

GEORGE A. PERRY	329
LLOYD M. MARTIN	912

ASSISTANT PORT AGENT (SAN FRANCISCO) - VOTE FOR TWO

DAVID F. YORK	659
EDWARD M. CALDWELL	639
MAYER R. ARMBRUST	562

DISPATCHER (SAN FRANCISCO) - VOTE FOR ONE (RUN OFF)

MICHAEL KAY	357
HAROLD E. MANNERING	163
ALBERT E. J. DUGGAN	126
W. C. JACKSON	509

PORT AGENT (SEATTLE) - VOTE FOR ONE (RUN OFF)

ARTHUR E. PIERCE	113
FRANK R. OLEN	209
FLORIN DONTE	209
R. J. "RUPE" SORIANO	516
JAMES N. HAVERFIELD	195

EXHIBIT C

PORT AGENT (PORTLAND) - VOTE FOR ONE (RUN OFF)

CHARLES W. WALLACE	320
GEORGE P. FOLDEN	124
MAURICE B. SHUMAN	204
D. C. DUNN	101
ROY E. PERRY	254
ARTHUR G. "BUD" MORRISS	131
NORMAN RALPH	79

PORT AGENT (WILMINGTON) - VOTE FOR ONE (RUN OFF)

EDWARD L. WHEELER	82
FRANK BURKE	262
RICHARD T. BARA	283
HENRY C. "HANK" WALTHER	416
GUY M. DUGGAN	88
THEODORE G. ANDERSON	91

ASSISTANT PORT AGENT (WILMINGTON) - VOTE FOR ONE (RUN OFF)

ROBERT L. EDMONDS	111
NICK BARBARA	252
ROBIN A. LINDSAY	51
ARTHUR J. MAEHL	160
W. H. ABBEY	35
WILLIAM "BILL" MOREL	164
FRANK L. ALLEN	160
JOHN HARING	126
JEROME L. SAWYER	177

CANDIDATES FOR CONVENTION DELEGATE - VOTE FOR FOUR

R. J. "TRUPE" SORIANO	454
ROBIN A. LINDSAY	75
ALEX PLESHE	112
FRANK L. ALLEN	195
WILLIAM M. CALDWELL	429
EDWARD L. WHEELER	95
THOMAS K. EARLE	74
RICHARD T. BARA	315
HENRY C. "HANK" WALTHER	292
VIRGIL G. VALENTINE	663
CHARLES W. WALLACE	221
JACK H. MAGNUSSON	98
FLORIN DENTE	240
JAMES N. HAVERFIELD	200
MICHAEL KAY	283
GEORGE CHARLOT	102
HARRY FRIEDMAN	259
MAURICE B. SHUMAN	153
W. H. ABBEY	112
WILLIAM "BILL" MOREL	186
EDWARD M. CALDWELL	323

PILOTS DIVISION

INTERNATIONAL PRESIDENT

ROBERT BOYLE WRIGHT	26
LLOYD W. SHELDON	38
THOMAS F. O'CALLAGHAN	126

INTERNATIONAL EXECUTIVE VICE PRESIDENT

GEORGE VANCE	25
WILLIAM M. CALDWELL	130
AMOS E. KOONCE	34

EXHIBIT C

PILOTS DIVISION

INTERNATIONAL SECRETARY-TREASURER

ROBERT J. LOWEN	130
GEORGE H. BALSER	24
CHARLES O. NORSTRAND	32

VICE PRESIDENT AND CONVENTION DELEGATE - VOTE FOR ONE

S. K. SPRADA	148

REGIONAL REPRESENTATIVE (WEST COAST) -VOTE FOR ONE

DONALD S. GRANT	68
FLOYD E. SMITH	92

REGIONAL REPRESENTATIVE (EAST COAST) - VOTE FOR ONE

GRANVILLE I. SMITH	88
JOSEPH J. BRYANT	89

REGIONAL REPRESENTATIVE (GULF COAST) - VOTE FOR ONE

LOUIS E. MILLER	90
RICHARD E. WALTON	60

CANDIDATES FOR CONVENTION DELEGATE - VOTE FOR THREE

FLOYD E. SMITH	119
WILLIAM J. DANIELS, JR.	152
LOUIS E. MILLER	121

INLAND LOCALS

LOCAL 1

INTERNATIONAL PRESIDENT

ROBERT BOULE WRIGHT	2
LLOYD W. SHELDON	1
THOMAS F. O'CALLAGHAN	6

INTERNATIONAL EXECUTIVE VICE PRESIDENT

GEORGE VANCE	3
WILLIAM M. CALDWELL	5
AMOS E. KOONCE	1

INTERNATIONAL SECRETARY-TREASURER

ROBERT J. LOWEN	8
GEORGE H. BALSER	1
CHARLES O. NORSTRAND	0

LOCAL 4

INTERNATIONAL PRESIDENT

ROBERT BOYLE WRIGHT	1
LLOYD W. SHELDON	1
THOMAS F. O'CALLAGHAN	7

INTERNATIONAL EXECUTIVE VICE PRESIDENT

GEORGE VANCE	2
WILLIAM M. CALDWELL	6
AMOS E. KOONCE	1

EXHIBIT C

INLAND LOCALS

LOCAL 4

INTERNATIONAL SECRETARY-TREASURER

ROBERT J. LOWEN	7
GEORGE H. BALSER	2
CHARLES O. NORSTRAND	0

LOCAL 5

INTERNATIONAL PRESIDENT

ROBERT BOYLE WRIGHT	3
LLOYD W. SHELDON	1
THOMAS F. O'CALLAGHAN	13

INTERNATIONAL EXECUTIVE VICE PRESIDENT

GEORGE VANCE	1
WILLIAM M. CALDWELL	14
AMOS E. KOONCE	3

INTERNATIONAL SECRETARY-TREASURER

ROBERT J. LOWEN	13
GEORGE H. BALSER	5
CHARLES O. NORSTRAND	0

LOCAL 6

INTERNATIONAL PRESIDENT

ROBERT BOYLE WRIGHT	49
LLOYD W. SHELDON	75
THOMAS F. O'CALLAGHAN	37

INTERNATIONAL EXECUTIVE VICE PRESIDENT

GEORGE VANCE	45
WILLIAM M. CALDWELL	46
AMOS E. KOONCE	69

INTERNATIONAL SECRETARY-TREASURER

ROBERT J. LOWEN	50
GEORGE H. BALSER	31
CHARLES O. NORSTRAND	81

LOCAL 14

INTERNATIONAL PRESIDENT

ROBERT BOYLE WRIGHT	7
LLOYD W. SHELDON	3
THOMAS F. O'CALLAGHAN	47

INTERNATIONAL EXECUTIVE VICE PRESIDENT

GEORGE VANCE	9
WILLIAM M. CALDWELL	46
AMOS E. KOONCE	2

INTERNATIONAL SECRETARY-TREASURER

ROBERT J. LOWEN	38
GEORGE H. BALSER	13
CHARLES O. NORSTRAND	6

INLAND LOCALS

LOCAL 14

PORTS OF BALTIMORE, PHILADELPHIA, NORFOLK, CHARLESTON and SAVANNAH

PORT AGENT (BALTIMORE) and CONVENTION DELEGATE

M. WEINSTEIN	43

EXECUTIVE ASSISTANT PORT AGENT (BALTIMORE)

CHARLES M. SNOW	42

ASSISTANT PORT AGENT (BALTIMORE)

JAMES R. SILVER	35
J. Q. CONRAD	8

PORT AGENT (PHILADELPHIA)

JOHN J. HANDLEY	37

PORT AGENT (NORFOLK)

WILLIAM K. BEACH	41

FIELD REPRESENTATIVE (CHARLESTON)

DAVID McLEAN	37

FIELD REPRESENTATIVE (SAVANNAH) - Vote for One

HOWARD H. WILLIAMS	33
ALVON H. WILLIAMS	6

CANDIDATES FOR CONVENTION DELEGATE - Vote for Four

Thomas F. O'Callaghan	35
James R. Silver	43
John J. Handley	37
William K. Beach	38
Howard H. Williams	24

LOCAL 17

INTERNATIONAL PRESIDENT

ROBERT BOYLE WRIGHT	16
LLOYD W. SHELDON	10
THOMAS F. O'CALLAGHAN	14

INTERNATIONAL EXECUTIVE VICE PRESIDENT

GEORGE VANCE	9
WILLIAM M. CALDWELL	25
AMOS E. KOONCE	6

INTERNATIONAL SECRETARY-TREASURER

ROBERT J. LOWEN	16
GEORGE H. BALSER	12
CHARLES O. NORSTRAND	12

LOCAL 18

INTERNATIONAL PRESIDENT

ROBERT BOYLE WRIGHT	4
LLOYD W. SHELDON	9
THOMAS F. O'CALLAGHAN	15

INTERNATIONAL EXECUTIVE VICE PRESIDENT

GEORGE VANCE	5
WILLIAM M. CALDWELL	16
AMOS E. KOONCE	7

EXHIBIT C

INLAND LOCALS LOCAL 18

INTERNATIONAL SECRETARY-TREASURER

ROBERT J. LOWEN	14
GEORGE H. BALSER	4
CHARLES O. NORSTRAND	10

LOCAL 24

INTERNATIONAL PRESIDENT

ROBERT BOYLE WRIGHT	1
LLOYD W. SHELDON	3
THOMAS F. O'CALLAGHAN	22

INTERNATIONAL EXECUTIVE VICE PRESIDENT

GEORGE VANCE	0
WILLIAM M. CALDWELL	23
AMOS E. KOONCE	4

INTERNATIONAL SECRETARY-TREASURER

ROBERT J. LOWEN	22
GEORGE H. BALSER	1
CHARLES O. NORSTRAND	4

PORTS OF JACKSONVILLE AND HOLLYWOOD (SOUTHEAST FLORIDA)

PORT AGENT (JACKSONVILLE) and CONVENTION DELEGATE

ROBERT MacALVANAH	2
ALLEN C. SCOTT	23

FIELD REPRESENTATIVE (SOUTHEAST FLORIDA)

JAMES T. RUSSELL	3
JOHN W. BROWN	4
GREGORY J. HATCH	0
A.J. (TERRY) MURPHY	17

CANDIDATE FOR CONVENTION DELEGATE

FRANK PAUL	20

CANDIDATES FOR ALTERNATE CONVENTION

FLOYD HEFNER	20
JACOB SPIEGEL	3

LOCAL 27

INTERNATIONAL PRESIDENT

ROBERT BOYLE WRIGHT	2
LLOYD W. SHELDON	3
THOMAS F. O'CALLAGHAN	3

INTERNATIONAL EXECUTIVE VICE PRESIDENT

GEORGE VANCE	3
WILLIAM M. CALDWELL	3
AMOS E. KOONCE	2

INTERNATIONAL SECRETARY-TREASURER

ROBERT J. LOWEN	4
GEORGE H. BALSER	1
CHARLES O. NORSTRAND	3

EXHIBIT C

INLAND LOCALS

LOCAL 30

INTERNATIONAL PRESIDENT

ROBERT BOYLE WRIGHT	15
LLOYD W. SHELDON	26
THOMAS F. O'CALLAGHAN	46

INTERNATIONAL EXECUTIVE VICE PRESIDENT

GEORGE VANCE	21
WILLIAM M. CALDWELL	34
AMOS E. KOONCE	32

INTERNATIONAL SECRETARY-TREASURER

ROBERT J. LOWEN	38
GEORGE H. BALSER	24
CHARLES O. NORSTRAND	24

LOCAL 40

INTERNATIONAL PRESIDENT

ROBERT BOYLE WRIGHT	12
LLOYD W. SHELDON	19
THOMAS F. O'CALLAGHAN	20

INTERNATIONAL EXECUTIVE VICE PRESIDENT

GEORGE VANCE	9
WILLIAM M. CALDWELL	27
AMOS E. KOONCE	15

INTERNATIONAL SECRETARY-TREASURER

ROBERT J. LOWEN	26
GEORGE H. BALSER	10
CHARLES O. NORSTRAND	15

AMW 5

INTERNATIONAL PRESIDENT

ROBERT BOYLE WRIGHT	0
LLOYD W. SHELDON	1
THOMAS F. O'CALLAGHAN	6

INTERNATIONAL EXECUTIVE VICE PRESIDENT

GEORGE VANCE	0
WILLIAM M. CALDWELL	7
AMOS E. KOONCE	0

INTERNATIONAL SECRETARY-TREASURER

ROBERT J. LOWEN	6
GEORGE H. BALSER	0
CHARLES O. NORSTRAND	1

AMW 8

INTERNATIONAL PRESIDENT

ROBERT BOYLE WRIGHT	3
LLOYD W. SHELDON	1
THOMAS F. O'CALLAGHAN	34

INTERNATIONAL EXECUTIVE VICE PRESIDENT

[illegible]	2
[illegible]	34
[illegible]	2

EXHIBIT C

Lee Epstein

LEE EPSTEIN
ARBITRATOR

DATED: JANUARY 12 1972

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

On this 12 day of January, 1972 before me personally came and appeared LEE EPSTEIN to me known and known to me to be the individual described in and who executed the foregoing and he acknowledged to me that he executed the same.

Marie Ritz

MARIE RITZ
Notary Public, State of New York
No. 41-3501273 - Queens County
Term Expires March 30, 1973

EXHIBIT C

INTERNATIONAL ORGANIZATION
OF
MASTERS, MATES AND PILOTS

TEAR HERE

OFFICIAL BALLOT

1971 ELECTION OF INTERNATIONAL, OFFSHORE DIVISION & PILOTS DIVISION OFFICERS

Voting Instructions - Read Carefully

General Information

This election is being conducted by the American Arbitration Association under the supervision of the International Ballot Committee elected at the 1971 Convention: Robert Nelson, Chairman; George Eisenhauer, Price Mitchell, Lester Reynolds, and Joseph Valensi.

Instructions

These rules have been adopted to insure the secrecy of your vote. Do not sign, initial or make any mark on this ballot other than the mark in the box of your choice.

1. When you have indicated your votes, fold and seal this ballot in the envelope marked SECRET BALLOT and seal the envelope.

2. Place this Secret Ballot envelope in the larger envelope and clearly print or type your name, address, subordinate body and book number in the space provided in the upper left corner. Also, be sure to SIGN your name in the space provided.

3. Seal this pre-addressed, postage-paid envelope and mail as soon as possible. No postage is required if mailed in the United States.

4. Any return envelope on which the imprinted number is mutilated will void the ballot. This number is for security purposes only. All returned envelopes shall remain unopened until counted by the impartial balloting agency in the presence of the International Ballot Committee.

TEAR HERE

IMPORTANT – IN ORDER TO BE COUNTED YOUR BALLOT MUST BE RECEIVED IN NEW YORK BY MIDNIGHT, DECEMBER 21 st, 1971.

EXHIBIT D

CANDIDATES FOR INTERNATIONAL OFFICE
(VOTE FOR ONLY ONE PERSON FOR EACH OFFICE)

INTERNATIONAL PRESIDENT

☐ Robert Doyle Wright

EAR
ERE

I, Bob Wright, am a man of action, a man with new ideas, an active officer aware of our problems. If you, whether Master, Mate, or Pilot, care and are deeply concerned about our professional future and feel we need a man of action, give me your vote.

I am not going to resort to hackneyed, combat political phrases. But this I promise: to charge myself and have all of you to be similarly concerned and charged to action.

Action is needed now! Aggressive, ceaseless action to push our American Merchant Marine affairs in Washington. We must be the leaders of the industry to enlist the aid and coordinate the other maritime unions to action.

Action is needed within our organization to get it to be an organization with a positive atmosphere that can act and move ahead for the benefit of each man in our profession.

If you are interested in our future and like me, have a feeling of responsibility and hope — VOTE FOR BOB WRIGHT.

Joined M.M.P. 1945
Masters license, date 6/19/67 issue 5-8
Member in good standing —
never dropped or suspended

☐ Lloyd W. Sheldon

Events which threaten to extinguish democratic membership control of our Union have caused me to seek the office of International President.

I submit, that with the backing of an active, responsible, determined rank and file membership, and other elected officers responsive to the will of the membership, I can set our Union on a true course that will serve the membership.

The hiring hall is the backbone of our Union. Membership meetings are its guts. Both must be preserved and utilized fully to guarantee that second class membership shall never be tolerated.

I propose to initiate a program, subject to ratification by membership referendum every step of the way, whereby, if adopted, every job will eventually be bid off the board, with a gradual phaseout, fair to all members, of company seniority system.

I endorse the Members For A Democratic Union Program and will do my level best to humanize and restore stable relationships with all other Maritime Unions.

I joined Local 90 March seventeen, nineteen forty-three. Transferred Local 88 nineteen fifty-seven. Continuous good standing. Master unlimited. 6-9. 1/19/68 Past International President. Former Local 88 President and Secretary Treasurer.

☐ Thomas F. O'Callaghan

Unlimited master, fifth issue. Presently the elected International President of our Organization. Served four years International Secretary-Treasurer/Contract Enforcement Officer. Four years as an official on a local level. Have served as Chairman and/or Trustee of P&W plans, MATES PLAN and on INTERNATIONAL LABOR ORGANIZATION and INTERNATIONAL TRANSPORT WORKERS' FEDERATION.

Through my leadership —
— Offshore Locals have been consolidated and service to the membership vastly improved.
— Pilot Locals are consolidated into the Pilot Division — steps have been taken to protect and improve the pilots' stature and economic conditions.
— The Inland Division is now being formed as is the Government Employees' and Shoreside Divisions.
— The prestige and influence of the MM&P is at its highest point. Very shortly we shall operate the finest technical training facility in the world.
— Our P&W Plans have been improved and are secured at levels never before attained.

I shall continue the fight to protect our jurisdiction, the master's primacy and the status of licensed deck officers.

I ask for your vote to continue this work and ask that you support all incumbent officers. They are the Masters, Mates and Pilots Team.

I request that the membership vote in favor of affiliation with ILA.

INTERNATIONAL EXECUTIVE VICE PRESIDENT

☐ George Vance

I joined the International Organization of Masters, Mates and Pilots, in April 1943, when I received my original Third Mates license. I now hold a valid unlimited masters license, dated December 1970, issue number 6-9. I have never been suspended or dropped from the International Organization of Masters, Mates and Pilots.

I was elected and I have served as a Local Trustee for the past two terms in the International Organization of Masters, Mates and Pilots.

At present I am an active sea going licensed deck officer and have sailed in all ratings on my license on both freighters and tankers. I have been active in the Maritime industry for the past twenty-eight years.

☐ William M. Caldwell

William M. Caldwell — Master of Oceans, 6-9, February 6, 1970; Portland, Oregon. Sailed Master and all Licensed Deck Officer ratings, cargo and tanker.

Joined MM&P Local 90, February, 1941 — Suspended Non-Payment of Dues 11/15/48; Reinstated 5/23/51.

Experienced major negotiations, contract enforcement, Vacation, Welfare and Pension Plans.

Elected and served from 1/1/62 to 10/1/70 as Portland Representative of MM&P Local 90.

Elected International Vice President in last International Election. At present am International Executive Vice President of the Organization.

I will continue to work for MM&P progress and stand for MM&P affiliation with the ILA with complete MM&P autonomy guaranteed in order to strengthen MM&P's negotiating position, advance their trade union program and stabilization of the industry.

An American Flag Merchant Marine manned by MM&P Licensed Deck Officers working for wages and working conditions second to none.

Primacy of the Master

Uniform agreements, Welfare Plans and Pensions. Guaranteed lump sum pensions through said Pension Plan for widows pensions and dependents rights protected.

Opposition to reduced manning to meet impact of new technology, with goal of two crews for every ship and guaranteed annual wage.

I endorse Thomas F. O'Callaghan for International President, and Robert J. Lowen for International Secretary-Treasurer.

☐ Amos E. Koonce

Continuous membership in Local 88 since January 1946. Hold fourth issue Master's License dated [illegible] 13, 1967. My experiences cover all licensed capacities aboard dry cargo vessels, tankers and extensive on chemical tankers. Served on strike and ballot committees and Local 88 "Special Constitution Committee".

I'm Secretary Treasurer and co-founder of "Members for a Democratic Union" with members nationwide and growing rapidly.

Active preparing and distributing leaflets disseminating information on union affairs to membership. Deeply involved since MMP news blackout. I am committed to membership's right to be fully informed and will insist on their right to decide.

Participated preparing "program for the membership" and committed to effecting the provisions therein.

Favor restoring and keeping our union democratic. Opposed to dictatorial powers given the International President and General Executive Board by the new Constitution.

Favor opening negotiations effecting a signed and clear collective bargaining agreement.

I oppose consolidation of inland and U.S. Will protect their autonomous rights so they will not suffer dictatorial powers imposed by the present Constitution.

Will protect the right of member MM&P pilots to control their own affairs as ship pilots within the framework of the Organization. Dedicated to the best interest of licensed ship's officers.

INTERNATIONAL SECRETARY-TREASURER

☐ Robert J. Lowen

EAR
ERE

Member of MM&P Offshore continuously since graduation from Kings Point in 1952. Hold Master's License unlimited, issue 3-6. Bachelor Of Science degree.

Having come ashore only within the past year, I know firsthand the problems being faced by the membership. Almost twenty years at sea, majority as Master, qualifies me to properly handle beefs and improve deficiencies in our contracts.

I am dedicated to maintaining the professional and respected image Masters, Mates and Pilots have historically enjoyed. Affiliation with the ILA will contribute to a more effective Officers' Union and I support our affiliation with the ILA.

As the present International Secretary-Treasurer I have participated in projects which have provided for will provides significant benefits to the membership.

— establishment of a modern recordkeeping and information system to improve service to the membership.
— development of a new license examination to achieve Cr[illegible] testing based on Today's Shipboard needs.
— Revision of the rules of the road to reflect the modernization of today's ships.
— testimony before Congress concerning important legislation (radiotelephone, etc.)

Your help — [illegible] your vote — will permit me to continue our work.

I ask your support of President O'Callaghan, Vice-President Caldwell and our incumbent port officers.

☐ George H. Balser

I joined the MM&P Local 88 on December 11, 1941 book number 1061. I belong to the Marine Society of the City of New York and the U.S.N.R.

I have a Masters license any gross tons, oceans, issue 6-9 at the Port of New York April 19th, 1969, and first Class Pilot New York lower bay. I have never been suspended or dropped from the MM&P.

I started to sea as a Company Cadet on the Ward Line Ship S/S Monsuwa in 1935; I sailed as Cadet, AB, Quartermaster, Bosn, until attending Fort Trumbull, New London, Conn. in the first class June to December 1941. Received my 3rd Mates license on December 10, 1941. Sailed with AGWI Lines during WW2, later sailed with the Corps of Army Engineers, Black Diamond, Triton, and in 1951 came with Prudential Lines as Chief Mate, went Master of the Fordham Victory in 1957 then the Newberry Victory, Mobile Victory, Attleboro Victory, Prudential Sea[illegible], and at present, Master of the Lash Esperia, Prudential-Grace Lines, Inc.

I feel that my background at sea and my years of service as Master has given me the experience and qualifications necessary to serve your best interests as International Secretary-Treasurer.

☐ Charles O. Norstrand

I joined Local 88 January 1943 and transferred to Local 24 July 1961. Have never been suspended or dropped. Have served in all capacities, including Master. Valid unlimited Master License [illegible]377634 6-8 issue, dated November 25, 1969 — with Radar and 1st Class Pilots endorsements. Also served the overall MM&P membership as the elected S. E. Florida Representative of Local 24 for more than seven years and Convention Delegate.

During all those years, I always considered myself MEMBER first and an official second, with ALL MEMBERS' RIGHTS as the PARAMOUNT PRIORITY. Personally, I am First, Last and Always an MM&P MEMBER.

Your vote to elect me will guarantee effective membership representation and a strong viable Union that can and will protect your Jobs and Pensions, and that will be my full-time job.

Now is the time for all members to really express their desires by simply voting for Candidates whom you believe will truly represent you with honesty and integrity to the best of their ability.

The team of Sheldon, Koonce, and Norstrand is Pledged and Committed to return MM&P to Membership Control and the Principles of Members for a Democratic Union.

(TURN PAGE)

EXHIBIT D

CANDIDATES FOR OFFSHORE DIVISION OFFICE FOR THE PORTS OF BALTIMORE, PHILADELPHIA, NORFOLK, CHARLESTON and SAVANNAH

PORT AGENT (BALTIMORE) and CONVENTION DELEGATE

☐ M. Weinstein

EXECUTIVE ASSISTANT PORT AGENT (BALTIMORE)

☐ Charles M. Snow

ASSISTANT PORT AGENT (BALTIMORE)

(VOTE FOR ONE)

☐ James R. Silver
☐ J. Q. Conrad

PORT AGENT (PHILADELPHIA)

☐ John J. Handley

PORT AGENT (NORFOLX)

☐ William K. Beach

FIELD REPRESENTATIVE (CHARLESTON)

☐ David McLean

FIELD REPRESENTATIVE (SAVANNAH)

(VOTE FOR ONE)

☐ Howard H. Williams
☐ Almon H. Williams

CANDIDATES FOR CONVENTION DELEGATE
(VOTE FOR FOUR)

☐ Thomas F. O'Callaghan
☐ James R. Silver
☐ John J. Handley
☐ William K. Beach
☐ Howard H. Williams

TEAR HERE

TEAR HERE

BEST COPY AVAILABLE

EXHIBIT D

INTERNATIONAL ORGANIZATION
OF
MASTERS, MATES AND PILOTS

210a

OFFICIAL BALLOT

1971 ELECTION OF INTERNATIONAL, OFFSHORE DIVISION & PILOTS DIVISION OFFICERS

Voting Instructions - Read Carefully

General Information

This election is being conducted by the American Arbitration Association under the supervision of the International Ballot Committee elected at the 1971 Convention: Robert Neison, Chairman; George Eisenhauer, Price Mitchell, Lester Reynolds, and Joseph Valensi.

Instructions

These rules have been adopted to insure the secrecy of your vote. Do not sign, initial or make any mark on this ballot other than the mark in the box of your choice.

1. When you have indicated your votes, fold and seal this ballot in the envelope marked SECRET BALLOT and seal the envelope.

2. Place this Secret Ballot envelope in the larger envelope and clearly print or type your name, address, subordinate body and book number in the space provided in the upper left corner. Also, be sure to SIGN your name in the space provided.

3. Seal this pre-addressed, postage-paid envelope and mail as soon as possible. No postage is required if mailed in the United States.

4. Any return envelope on which the imprinted number is mutilated will void the ballot. This number is for security purposes only. All returned envelopes shall remain unopened until counted by the impartial balloting agency in the presence of the International Ballot Committee.

IMPORTANT – IN ORDER TO BE COUNTED YOUR BALLOT MUST BE RECEIVED IN NEW YORK BY MIDNIGHT, DECEMBER 21 st, 1971.

EXHIBIT D

CANDIDATES FOR INTERNATIONAL OFFICE

(VOTE FOR ONLY ONE PERSON FOR EACH OFFICE)

INTERNATIONAL PRESIDENT

☐ Robert Boyle Wright

TEAR HERE

I, Bob Wright, am a man of action, a man with new ideas, an active officer aware of our problems. If you, whether Master, Mate, or Pilot, care and are deeply concerned about our professional future and feel we need a man of action, give me your vote.

I am not going to resort to headlonged, combell, political phrases. But this I promise: to charge myself and hope all of you to be sumiliarly concerned and charged to action.

Action is needed now: aggressive, ceaseless action to push our American Merchant Marine affairs in Washington. We must be the leaders of the industry to enlist the aid and coordinate the other maritime unions to action.

Action is needed within our organization to get it to be an organization with a positive atmosphere that can act and move ahead for the benefit of each man in our profession.

If you are interested in our future and like me, have a feeling of responsibility and hope — VOTE FOR BOB WRIGHT.

Joined M.M.P. 1945
Masters license, date 6/19/67 issue 6-8
Member in good standing —
never dropped or suspended

☐ Lloyd W. Sheldon

Events which threaten to extinguish democratic membership control of our Union have caused me to seek the office of International President.

I submit, that with the backing of an active, responsible, determined rank and file membership, and other elected officers responsive to the will of the membership, I can set our Union on a true course that will serve the membership.

The hiring hall is the backbone of our Union. Membership meetings are its guts. Both must be preserved and utilized fully to guarantee that second class membership shall never be tolerated.

I propose to initiate a program, subject to ratification by membership referendum every step of the way, whereby, if adopted, every job will eventually be bid off the board, with a gradual phaseout, fair to all members, of company seniority system.

I endorse the Members For A Democratic Union Program and will do my level best to humanize and restore stable relationships with all other Maritime Unions.

I joined Local 90 March seventeen, nineteen forty-three. Transferred Local 68 nineteen fifty-seven. Continuous good standing. Master unlimited. 6-9. 1/19/64. Past International President. Former Local 68 President and Secretary Treasurer.

☐ Thomas F. O'Callaghan

Unlimited master, fifth issue. Presently the elected International President of our Organization. Served four years International Secretary-Treasurer/Contract Enforcement Officer; four years as an official on a local level. Have served as Chairman and/or Trustee of P&W plans, MATES PLAN and on INTERNATIONAL LABOR ORGANIZATION and INTERNATIONAL TRANSPORT WORKERS' FEDERATION.

Through my leadership —

— Offshore Locals have been consolidated and service to the membership vastly improved.

— Pilot Locals are consolidated into the Pilot Division — steps have been taken to protect and improve the pilots' stature and economic conditions.

— The Inland Division is now being formed as is the Government Employees' and Shoreside Divisions.

— The prestige and influence of the MM&P is at its highest point. Very shortly we shall operate the finest technical training facility in the world.

— Our P&W Plans have been improved and are secured at levels never before attained.

I shall continue the fight to protect our jurisdiction, the master's primacy and the status of licensed deck officers.

I ask for your vote to continue this work and ask that you support all incumbent officers. They are the Masters, Mates and Pilots Team.

I request that the membership vote in favor of affiliation with ILA.

INTERNATIONAL EXECUTIVE VICE PRESIDENT

☐ George Vance

I joined the International Organization of Masters, Mates and Pilots, in April 1943, when I received my original Third Mates license. I now hold a valid unlimited masters license, dated December 1970, issue number 6-9. I have never been suspended or dropped from the International Organization of Masters, Mates and Pilots.

I was elected and I have served as a Local Trustee for the past two terms in the International Organization of Masters, Mates and Pilots.

At present I am an active sea going licensed deck officer and have sailed in all ratings on my license on both freighters and tankers. I have been active in the Maritime industry for the past twenty-eight years.

☐ William M. Caldwell

William M. Caldwell — Master of Oceans, 6-9, February 6, 1970; Portland, Oregon. Sailed Master and all Licensed Deck Officer ratings, cargo and tanker.

Joined MM&P Local 90, February, 1941 — Suspended Non-Payment of Dues 11/15/48; Reinstated 5/23/51.

Experienced major negotiations, contract enforcement, Vacation, Welfare and Pension Plans.

Elected and served from 1/1/62 to 10/1/70 as Portland Representative of MM&P Local 90.

Elected International Vice President in last International Election. At present am International Executive Vice President of the Organization.

I will continue to work for MM&P progress and stand for MM&P affiliation with the ILA with complete MM&P autonomy guaranteed in order to strengthen MM&P's negotiating position, advance their trade union program and stabilization of the industry.

An American Flag Merchant Marine manned by MM&P Licensed Deck Officers working for wages and working conditions, second to none.

Primacy of the Master.

Uniform Agreements, Welfare Plans and Pensions. Guaranteed lifetime pensions through solid financing with widow's pensions and dependents rights protected.

Opposition to reduced manning to meet impact of new technology, with goal of two crews for every ship and guaranteed annual wage.

I endorse Thomas F. O'Callaghan for International President, and Robert J. Lowen for International Secretary-Treasurer.

☐ Amos E. Koonce

Continuous membership in Local 68 since January 1946. Held fourth issue Master's License dated March 13, 1967. My experiences cover all licensed capacities aboard dry cargo vessels, tankers and extensive on chemical tankers. Served on strike and ballot committees and Local 68 "Special Constitution Committee".

I'm Secretary Treasurer and co-founder of "Members for a Democratic Union" with members nationwide and growing rapidly.

Active preparing and distributing leaflets disseminating information on union affairs to membership. Deeply involved since MMP news blackout. I am committed to membership's right to be fully informed and will insist on their right to decide.

Participated preparing "program for the membership" and committed to effecting the provisions therein.

Favor restoring and keeping our union democratic. Opposed to dictatorial powers given the International President and General Executive Board by the new Constitution.

Favor opening negotiations effecting a signed and clear "collective bargaining agreement".

I oppose consolidation of inland locals. Will protect their autonomous rights so they will not suffer dictatorial powers imposed by the present Constitution.

Will protect the right of member MMP pilots to control their own affairs as ship pilots within the framework of the Organization. Dedicated to the best interest of licensed ship's officers.

INTERNATIONAL SECRETARY-TREASURER

☐ Robert J. Lowen

Member of MM&P Offshore continuously since graduation from Kings Point in 1952. Held Master's License unlimited, issue 3-6. Bachelor Of Science degree.

Having come ashore only within the past year, I know firsthand the problems being faced by the membership. Almost twenty years at sea, majority as Master, qualifies me to properly handle beefs and improve deficiencies in our contracts.

I am dedicated to maintaining the professional and respected image Masters, Mates and Pilots have historically enjoyed. Affiliation with the ILA will contribute to a more effective Officers' Union and I support our affiliation with the ILA.

As the present International Secretary-Treasurer I have participated in projects which have provided (or will provide) significant benefits to the membership.

TEAR HERE

— establishment of a modern recordkeeping and information system to improve service to the membership.
— development of a new license examination to insure Coast Guard testing based on Today's Shipboard needs.
— Revision of the rules of the road to reflect the modernization of today's ships.
— testimony before Congress concerning important legislation (radiotelephone, etc.)

Your help — through your vote — will permit me to continue our work.

I ask your support of President O'Callaghan, Vice President Caldwell and our incumbent port officials.

☐ George H. Balser

I joined the MM&P Local 68 on December 11, 1941 book number 1081. I belong to the Marine Society of the City of New York and the U.S.N.R.

I have a Masters license any gross tons, oceans, issue 6-9 at the Port of New York April 15th 1969, and first class Pilot New York Lower Bay. I have never been suspended or dropped from the MM&P.

I started to sea as a Company Cadet on the Ward Line Ship S.S. Monarch in 1935. I sailed as Cadet, AB, Quartermaster, Bosun, until attending Fort Trumbull, New London, Conn. in the first class June to December 1941. Received my 3rd Mates license on December 10, 1941. Sailed with AGWI Lines during WW2, later sailed with the Corps of Army Engineers, Black Diamond, Triton, and in 1951 came with Prudential Lines as Chief Mate, went Master of the Fordham Victory in 1957, then the Newberry Victory, Malone Victory, Attleboro Victory, Prudential Sealet, and at present, Master of the Lash Espana, Prudential-Grace Lines, Inc.

I feel that my background at sea and my years of service as Master has given me the experience and qualifications necessary to serve your best interests as International Secretary-Treasurer.

☐ Charles O. Norstrand

I joined Local 68 January 1943 and transferred to Local 24 July 1961. Have never been suspended or dropped. Have served in all capacities, including Master. Valid unlimited Master License #377634, 6-8 issue, dated November 25, 1969 — Radar and 1st Class Pilots endorsements. Also served the overall MM&P membership as the elected S. E. Florida Representative of Local 24 for more than seven years and Convention Delegate.

During all these years, I always considered myself MEMBER first and an official second, with ALL MEMBERS' RIGHTS as the PARAMOUNT PRIORITY. Personally I am First, Last, and Always an IOMM&P MEMBER.

Your vote to elect me will guarantee effective membership representation and a strong, viable Union that can and will protect your jobs and Pensions, and that will be my full-time job.

Now is the time for all members to really express their desires by simply voting for Candidates whom you believe will truly represent you with Honesty and Integrity to the best of their ability.

The team of Sheldon, Koonce, and Norstrand is Pledged and Committed to return IOMM&P to Membership Control and the principles of Members for a Democratic Union.

(TURN PAGE)

EXHIBIT D

CANDIDATES FOR PILOTS DIVISION OFFICE

(VOTE FOR ONLY ONE PERSON FOR EACH OFFICE)

VICE PRESIDENT AND CONVENTION DELEGATE

- ☐ S. K. Sprada

REGIONAL REPRESENTATIVE (WEST COAST)

- ☐ Donald S. Grant
- ☐ Floyd E. Smith

REGIONAL REPRESENTATIVE (EAST COAST)

- ☐ Granville L. Smith
- ☐ Joseph J. Bryant

REGIONAL REPRESENTATIVE (GULF COAST)

- ☐ Louis E. Miller
- ☐ Richard E. Walton

CANDIDATES FOR CONVENTION DELEGATE

(VOTE FOR THREE)

- ☐ Floyd E. Smith
- ☐ William J. Daniels, Jr.
- ☐ Louis E. Miller

1971 SEP 16 04:10:44

EXHIBIT D

INTERNATIONAL ORGANIZATION
OF
MASTERS, MATES AND PILOTS

213a

TEAR HERE

OFFICIAL BALLOT

1971 ELECTION OF INTERNATIONAL, OFFSHORE DIVISION & PILOTS DIVISION OFFICERS

Voting Instructions - Read Carefully

General Information

This election is being conducted by the American Arbitration Association under the supervision of the International Ballot Committee elected at the 1971 Convention: Robert Nelson, Chairman; George Eisenhauer, Price Mitchell, Lester Reynolds, and Joseph Valensi.

Instructions

These rules have been adopted to insure the secrecy of your vote. Do not sign, initial or make any mark on this ballot other than the mark in the box of your choice.

1. When you have indicated your votes, fold and seal this ballot in the envelope marked SECRET BALLOT and seal the envelope.

2. Place this Secret Ballot envelope in the larger envelope and clearly print or type your name, address, subordinate body and book number in the space provided in the upper left corner. Also, be sure to SIGN your name in the space provided.

3. Seal this pre-addressed, postage-paid envelope and mail as soon as possible. No postage is required if mailed in the United States.

4. Any return envelope on which the imprinted number is mutilated will void the ballot. This number is for security purposes only. All returned envelopes shall remain unopened until counted by the impartial balloting agency in the presence of the International Ballot Committee.

TEAR HERE

IMPORTANT – IN ORDER TO BE COUNTED YOUR BALLOT MUST BE RECEIVED IN NEW YORK BY MIDNIGHT, DECEMBER 21 st, 1971.

EXHIBIT D

CANDIDATES FOR INTERNATIONAL OFFICE
(VOTE FOR ONLY ONE PERSON FOR EACH OFFICE)

INTERNATIONAL PRESIDENT

☐ Robert Boyle Wright

TEAR HERE

I, Bob Wright, am a man of action, a man with new ideas, an active officer aware of our problems. If you, whether Master, Mate, or Pilot, care and are deeply concerned about our professional future and feel we need a man of action, give me your vote.

I am not going to resort to hackneyed, combell, political phrases. But this I promise: to charge myself and hope all of you to be similarly concerned and charged to action.

Action is needed now; aggressive, ceaseless action to push our American Merchant Marine affairs in Washington. We must be the leaders of the industry to enlist the aid and coordinate the other maritime unions to action.

Action is needed within our organization to get it to be an organization with a positive atmosphere that can act and move ahead for the benefit of each man in our profession.

If you are interested in our future and like me, have a feeling of responsibility and hope — VOTE FOR BOB WRIGHT.

Joined M.M.P. 1945
Masters license, date 6/19/67 issue 5-8
Member in good standing —
never dropped or suspended

☐ Lloyd W. Sheldon

Events which threaten to extinguish democratic membership control of our Union have caused me to seek the office of International President.

I submit, that with the backing of an active, responsible, determined rank and file membership, and other elected officers responsive to the will of the membership, I can set our Union on a true course that will serve the membership.

The hiring hall is the backbone of our Union. Membership meetings are its guts. Both must be preserved and utilized fully to guarantee that second class membership shall never be tolerated.

I propose to initiate a program, subject to ratification by membership referendum every step of the way, whereby, if adopted, every job will eventually be bid off the board, with a gradual phaseout, fair to all members, of company seniority system.

I endorse the Members For A Democratic Union Program and will do my level best to humanize and restore stable relationships with all other Maritime Unions.

I joined Local 90 March seventeen, nineteen forty-three. Transferred Local 88 nineteen fifty-seven. Continuous good standing. Master unlimited, 6-8, 1/19/64. Past International President. Former Local 88 President and Secretary Treasurer.

☐ Thomas F. O'Callaghan

Unlimited master, fifth issue. Presently the elected International President of our Organization. Served four years International Secretary-Treasurer/Contract Enforcement Officer; four years as an official on a local level. Have served as Chairman and/or Trustee of P&W plans, MATES PLAN and on INTERNATIONAL LABOR ORGANIZATION and INTERNATIONAL TRANSPORT WORKERS' FEDERATION.

Through my leadership —

— Offshore Locals have been consolidated and service to the membership vastly improved.

— Pilot Locals are consolidated into the Pilot Division — steps have been taken to protect and improve the pilots' stature and economic conditions.

— The Inland Division is now being formed as is the Government Employees' and Shoreside Divisions.

— The prestige and influence of the MM&P is at its highest point. Very shortly we shall operate the finest technical training facility in the world.

— Our P&W Plans have been improved and are secured at levels never before attained.

I shall continue the fight to protect our jurisdiction, the master's primacy and the status of licensed deck officers.

I ask for your vote to continue this work and ask that you support all incumbent officers. They are the Masters, Mates and Pilots Team.

I request that the membership vote in favor of affiliation with ILA.

INTERNATIONAL EXECUTIVE VICE PRESIDENT

☐ George Vance

I joined the International Organization of Masters, Mates and Pilots, in April 1943, when I received my original Third Mates license. I now hold a valid unlimited masters license; dated December 1970, issue number 6-8. I have never been suspended or dropped from the International Organization of Masters, Mates and Pilots.

I was elected and I have served as a Local Trustee for the past two terms in the International Organization of Masters, Mates and Pilots.

At present I am an active sea going licensed deck officer and have sailed in all ratings on my license on both freighters and tankers. I have been active in the Maritime industry for the past twenty-eight years.

☐ William M. Caldwell

William M. Caldwell — Master of Oceans, 6-9, February 6, 1970; Portland, Oregon. Sailed Master and all Licensed Deck Officer ratings, cargo and tanker.

Joined MM&P Local 90, February, 1941 — Suspended Non-Payment of Dues 11/15/48; Reinstated 5/23/51.

Experienced major negotiations, contract enforcement, Vacation, Welfare and Pension Plans.

Elected and served from 1/1/62 to 10/1/70 as Portland Representative of MM&P Local 90.

Elected International Vice President in last International Election. At present am International Executive Vice President of the Organization.

I will continue to work for MM&P progress and stand for: MM&P affiliation with the ILA with complete MM&P autonomy guaranteed in order to strengthen MM&P's negotiating position, advance their trade union program and stabilization of the industry.

An American Flag Merchant Marine manned by MM&P Licensed Deck Officers working for wages and working conditions, second to none.

Primacy of the Master.

Uniform Agreements, Welfare Plans and Pensions. Guaranteed lifetime pensions through solid financing with widow's pensions and dependents rights protected.

Opposition to reduced manning to meet impact of new technology, with goal of two crews for every ship and guaranteed annual wage.

I endorse Thomas F. O'Callaghan for International President, and Robert J. Lowen for International Secretary-Treasurer.

☐ Amos E. Keance

Continuous membership in Local 88 since January 1946. Held fourth issue Master's License dated March 13, 1967. My experiences cover all licensed capacities aboard dry cargo vessels, tankers and extensive on chemical tankers. Served on strike and ballot committees and Local 88 "Special Constitution Committee".

I'm Secretary Treasurer and co-founder of "Members for a Democratic Union" with members nationwide and growing rapidly.

Active preparing and distributing leaflets disseminating information on union affairs to membership. Deeply involved since MMP news blackout. I am committed to membership's right to be fully informed and will insist on their right to decide.

Participated preparing "program for the membership" and committed to effecting the provisions therein.

Favor restoring and keeping our union democratic. Opposed to dictatorial powers given the International President and General Executive Board by the new Constitution.

Favor opening negotiations effecting a signed and clear "collective bargaining agreement".

I oppose consolidation of inland locals. Will protect their autonomous rights so they will not suffer dictatorial powers imposed by the present Constitution.

Will protect the right of member MM&P pilots to control their own affairs as ship pilots within the framework of the Organization. Dedicated to the best interest of licensed ship's officers.

INTERNATIONAL SECRETARY-TREASURER

☐ Robert J. Lowen

Member of MM&P Offshore continuously since graduation from Kings Point in 1952. Have Masters License unlimited, issue 3-6, Bachelor Of Science Degree.

Having become aware of many within the past year, I have witnessed the problems being faced by the membership. Almost twenty years at sea, mostly as Master, qualifies me to properly handle beefs and improve deficiencies in our contracts.

I am dedicated to maintaining the professional and respected image Masters, Mates and Pilots have historically enjoyed. Affiliation with the ILA will contribute to a more effective Officers' Union and I support our affiliation with the ILA.

As the present International Secretary-Treasurer I have participated in projects which have provided for will provided significant benefits to the membership.

TEAR HERE

— establishment of a modern recordkeeping and information system to improve service to the membership.
— development of a new license examination to assure Coast Guard testing based on Today's shipboard needs.
— Revision of the rules of the road to reflect the modernization of today's ships.
— testimony before Congress concerning important legislation (radiotelephone, etc.)

Your help — through your vote — will permit me to continue our work.

I ask your support of President O'Callaghan, Vice-President Caldwell and our incumbent port officers.

☐ George H. Baiser

I joined the MM&P Local 83 on December 11, 1941 Book number 1081. I belong to the Marine Society of the City of New York and the U.S.N.R.

I have a Masters license any gross tons, oceans, issue 9-3 at the Port of New York April 15th, 1963, and first class Pilot New York Bay. I have never been suspended or dropped from the MM&P.

I started to sea as a Company Cadet on the Ward Line Ship S.S. Morgan in 1933. I sailed as Cadet, AB, Quartermaster, Bosn until attending Fort Trumbull, New London, Conn. in the first class June to December 1941. Received my 3rd Mates license on December 10, 1941. Sailed with AGWI Lines during WW2, later sailed with the Corps of Army Engineers, Black Diamond, Triton, and in 1951 came with Prudential Lines as Chief Mate, went Master of the Fordham Victory in 1957, then the Newberry Victory, Monroe Victory, Addsboro Victory, Prudential Sea-jet, and at present, Master of the Lash Espana, Prudential-Grace Lines, Inc.

I feel that my background at sea and my years of service as Master has given me the experience and qualifications necessary to serve your best interests as International Secretary-Treasurer.

☐ Charles O. Norstrand

I joined Local 88 January 1943 [illegible] transferred to Local 24 [illegible] have [illegible] been employed or [illegible] have served [illegible] all capacities, including Master [illegible] Master's License [illegible] number 23, 1958 — with Radar and [illegible] endorsements. Also served the [illegible] MM&P membership as [illegible] elected S. I. Port Representative of Local 24 for more than seven years and Convention Delegate.

During all these years, I always considered myself MEMBER first and an officer second with ALL MEMBERS' RIGHTS as the PARAMOUNT PRIORITY. Personally, I am First, Last and Always an IOMM&P MEMBER.

Your vote to elect me will guarantee effective membership representation and a strong, viable Union that can and will protect your jobs and Pensions, and that will be my full time job.

Now is the time for all members to really express their desires by simply voting for Candidates whom you believe will truly represent you with Honesty and Integrity to the best of their ability.

The team of Sheldon, Keance and Norstrand is Pledged and Committed to return IOMM&P to Membership Control and the principles of Members for a Democratic Union.

(TURN PAGE)

EXHIBIT D

CANDIDATES FOR OFFSHORE DIVISION OFFICE FOR THE PORT OF NEW YORK

VICE PRESIDENT, OFFSHORE DIVISION (Atlantic) PORT AGENT and CONVENTION DELEGATE

(VOTE FOR ONE)

- ☐ Charles A. Hemming
- ☐ Joseph B. Gaier

EXECUTIVE ASSISTANT PORT AGENT

(VOTE FOR ONE)

- ☐ Frank T. Scavo
- ☐ James J. Clifford

ASSISTANT PORT AGENT No. 1

(VOTE FOR ONE)

- ☐ Lawrence A. Burlingame
- ☐ Richard J. Polachek

ASSISTANT PORT AGENTS

(VOTE FOR FOUR)

- ☐ Kenneth E. Fowler
- ☐ James C. White
- ☐ Ernest K. Swanson
- ☐ Henry L. (Hank) Nereaux
- ☐ Victor Soto
- ☐ William R. Sorrentino
- ☐ John Adam Moralis, Jr.
- ☐ Rudiger K. E. Lehmann
- ☐ John R. Seybert
- ☐ James E. Corneille, Jr.
- ☐ James T. Brady
- ☐ Ernest J. Hendry
- ☐ Frank W. Carey, Jr.

CANDIDATES FOR CONVENTION DELEGATE

(VOTE FOR FOUR)

- ☐ Lawrence A. Burlingame
- ☐ Victor Soto
- ☐ Henry L. (Hank) Nereaux
- ☐ James C. White
- ☐ Richard J. Polachek
- ☐ James E. Corneille, Jr.
- ☐ Ernest J. Hendry
- ☐ James J. Clifford
- ☐ Frank T. Scavo
- ☐ William R. Sorrentino
- ☐ Charles A. Hemming

CANDIDATE FOR ALTERNATE CONVENTION DELEGATE

- ☐ Joseph Wesley

1971 SEP 15 PM 12:55

EXHIBIT D

INTERNATIONAL ORGANIZATION OF MASTERS, MATES AND PILOTS

216a

TEAR HERE

OFFICIAL BALLOT

1971 ELECTION OF INTERNATIONAL, OFFSHORE DIVISION & PILOTS DIVISION OFFICERS

Voting Instructions - Read Carefully

General Information

This election is being conducted by the American Arbitration Association under the supervision of the International Ballot Committee elected at the 1971 Convention: Robert Nelson, Chairman; George Eisenhauer, Price Mitchell, Lester Reynolds, and Joseph Valensi.

Instructions

These rules have been adopted to insure the secrecy of your vote. Do not sign, initial or make any mark on this ballot other than the mark in the box of your choice.

1. When you have indicated your votes, fold and seal this ballot in the envelope marked SECRET BALLOT and seal the envelope.

2. Place this Secret Ballot envelope in the larger envelope and clearly print or type your name, address, subordinate body and book number in the space provided in the upper left corner. Also, be sure to SIGN your name in the space provided.

3. Seal this pre-addressed, postage-paid envelope and mail as soon as possible. No postage is required if mailed in the United States.

4. Any return envelope on which the imprinted number is mutilated will void the ballot. This number is for security purposes only. All returned envelopes shall remain unopened until counted by the impartial balloting agency in the presence of the International Ballot Committee.

TEAR HERE

IMPORTANT—IN ORDER TO BE COUNTED YOUR BALLOT MUST BE RECEIVED IN NEW YORK BY MIDNIGHT, DECEMBER 21 st, 1971.

EXHIBIT D

CANDIDATES FOR INTERNATIONAL OFFICE

(VOTE FOR ONLY ONE PERSON FOR EACH OFFICE)

INTERNATIONAL PRESIDENT

☐ Robert Boyle Wright

TEAR ⇦ HERE

I, Bob Wright, am a man of action, a man with new ideas, an active officer aware of our problems. If you, whether Master, Mate, or Pilot, care and are deeply concerned about our professional future and feel we need a man of action, give me your vote.

I am not going to resort to hackneyed, combat, political phrases. But this I promise: to charge myself and hope all of you to be similarly concerned and charged to action.

Action is needed now: aggressive, ceaseless action to push our American Merchant Marine affairs in Washington. We must be the leaders of the industry to enlist the aid and coordinate the other maritime unions to action.

Action is needed within our organization to get it to be an organization with a positive atmosphere that can act and move ahead for the benefit of each man in our profession.

If you are interested in our future and like me, have a feeling of responsibility and hope — VOTE FOR BOB WRIGHT.

Joined M.M.P. 1945
Masters license, date 6/19/67 issue 6-8
Member in good standing —
never dropped or suspended

☐ Lloyd W. Sheldon

Events which threaten to extinguish democratic membership control of our Union have caused me to seek the office of International President.

I submit, that with the backing of an active, responsible, determined rank and file membership, and other elected officers responsive to the will of the membership, I can set our Union on a true course that will serve the membership.

The hiring hall is the backbone of our Union. Membership meetings are its guts. Both must be preserved and utilized fully to guarantee that second class membership shall never be tolerated.

I propose to initiate a program, subject to ratification by membership referendum every step of the way, whereby, if adopted, every job will eventually be bid off the board, with a gradual phaseout, fair to all members, of company seniority system.

I endorse the Members For A Democratic Union Program and will do my level best to humanize and restore stable relationships with all other Maritime Unions.

I joined Local 90 March seventeen, nineteen forty-three. Transferred Local 88 nineteen fifty-seven. Continuous good standing. Master unlimited. 6-9. 1/19/68. Past International President. Former Local 88 President and Secretary Treasurer.

☐ Thomas F. O'Callaghan

Unlimited master, fifth issue. Presently the elected International President of our Organization. Served four years International Secretary-Treasurer/Contract Enforcement Officer. four years as an official on a local level. Have served as Chairman and/or Trustee of P&W plans, MATES PLAN and on INTERNATIONAL LABOR ORGANIZATION and INTERNATIONAL TRANSPORT WORKERS' FEDERATION.

Through my leadership —

— ONshore Locals have been consolidated and service to the membership vastly improved.

— Pilot Locals are consolidated into the Pilot Division — steps have been taken to protect and improve the pilots' stature and economic conditions.

— The Inland Division is now being formed as is the Government Employees' and Shoreside Divisions.

— The prestige and influence of the MM&P is at its highest point. Very shortly we shall operate the finest technical training facility in the world.

— Our P&W Plans have been improved and are secured at levels never before attained.

I shall continue the fight to protect our jurisdiction, the master's primacy and the status of licensed deck officers.

I ask for your vote to continue this work and ask that you support all incumbent officers. They are the Masters, Mates and Pilots Team.

I request that the membership vote for/over of affiliation with ILA.

INTERNATIONAL EXECUTIVE VICE PRESIDENT

☐ George Vance

I joined the International Organization of Masters, Mates and Pilots, in April 1942, when I received my original Third Mates license. I now hold a valid unlimited masters license, dated December 1970, issue number 6-9. I have never been suspended or dropped from the International Organization of Masters, Mates and Pilots.

I was elected and I have served as a Local Trustee for the past two terms in the International Organization of Masters, Mates and Pilots.

At present I am an active sea going licensed deck officer and have sailed in all ratings on my license on both freighters and tankers. I have been active in the Maritime industry for the past twenty-eight years.

☐ William M. Caldwell

William M. Caldwell — Master of Oceans. 6-9. February 6, 1970. Portland, Oregon. Sailed Master and all Licensed Deck Officer ratings, cargo and tanker.

Joined MM&P Local 90, February, 1941 — Suspended Non-Payment of Dues 11/15/48; Reinstated 5/23/51.

Experienced major negotiations, contract enforcement, Vacation, Welfare and Pension Plans.

Elected and served from [illegible]52 to 10.1.70 as Portland Representative of MM&P Local 90.

Elected International Vice President in last International Election. At present am International Executive Vice President of the Organization.

I will continue to work for MM&P progress and stand for: MM&P affiliation with the ILA with complete MM&P autonomy guaranteed in order to strengthen MM&P's negotiating position, advance their trade union program and stabilization of the industry.

An American Flag Merchant Marine manned by MM&P Licensed Deck Officers working for wages and working conditions, second to none.

Primacy of the Master.

Uniform Agreements, Welfare Plans and Pensions. Guaranteed lifetime pensions through solid financing with widow's pensions and dependents rights protected.

Opposition to reduced manning to meet impact of new technology, with goal of two crews for every ship and guaranteed annual wage.

I endorse Thomas F. O'Callaghan for International President, and Robert J. Lowen for International Secretary-Treasurer.

☐ Amos E. Koonce

Continuous membership in Local 88 since January 1946. Hold fourth issue Master's License dated March 13, 1967. My experiences cover all licensed capacities aboard dry cargo vessels, tankers and extensive on chemical tankers. Served on strike and ballot committees and Local 88 "Special Constitution Committee".

I'm Secretary Treasurer and co-founder of "Members for a Democratic Union" with members nationwide and growing rapidly.

Active preparing and distributing leaflets disseminating information on union affairs to membership. Deeply involved since MMP news blackout. I am committed to membership's right to be fully informed and will insist on their right to decide.

Participated preparing "program for the membership" and committed to effecting the provisions therein.

Favor restoring and keeping our union democratic. Opposed to dictatorial powers given the International President and General Executive Board by the new Constitution.

Favor opening negotiations effecting a signed and clear "collective bargaining agreement".

I oppose consolidation of inland locals. Will protect their autonomous rights so they will not suffer dictatorial powers imposed by the present Constitution.

Will protect the right of member MMP pilots to control their own affairs as ship pilots within the framework of the Organization. Dedicated to the best interest of licensed ship's officers.

INTERNATIONAL SECRETARY-TREASURER

☐ Robert J. Lowen

Member of MM&P Offshore continuously since graduation from Kings Point in 1952. Hold Master's License unlimited, issue 3-6, Bachelor Of Science degree.

TEAR ⇦ HERE

Having come ashore only within the past year, I know firsthand the problems being faced by the membership. Almost twenty years at sea, majority as Master, qualifies me to properly handle beefs and improve deficiencies in our contracts.

I am dedicated to maintaining the professional and respected image Masters, Mates and Pilots have historically enjoyed. Affiliation with the ILA will contribute to a more effective Officers' Union and I support our affiliation with the ILA.

As the present International Secretary-Treasurer I have participated in projects which have provided for will provided significant benefits to the membership.

— establishment of a modern recordkeeping and information system to improve service to the membership.
— development of a new license examination to assure Coast Guard testing based on Today's shipboard needs.
— Revision of the rules of the road to reflect the modernization of today's ships.
— testimony before Congress concerning important legislation (radiotelephone, etc.)

Your help — through your vote — will permit me to continue our work.

I ask your support of President O'Callaghan, Vice-President Caldwell and our incumbent port officials.

☐ George H. Baiser

I joined the MM&P Local 88 on December 11, 1941 book number 1081. I belong to the Marine Society of the City of New York and the U.S.N.R.

I have a Masters license any gross tons, oceans. Issue 6-9 at the Port of New York April 19th, 1969, and first class Pilot New York lower bay. I have never been suspended or dropped from the MM&P.

I started to see as a Company Cadet on the Ward Line Ship S/S Mohawk in 1935; I sailed as Cadet, AB, Quartermaster, Bosn, until attending Fort Trumbull, New London, Conn. in the first class June to December 1941. Received my 3rd Mates license on December 10, 1941. Sailed with AGWI Lines during WW2, later sailed with the Corps of Army Engineers, Black Diamond, Triton, and in 1951 came with Prudential Lines as Chief Mate, went Master of the Fordham Victory in 1957, then the Newberry Victory, Medina Victory, Attleboro Victory, Prudential Sealect, and at present, Master of the Lash Espero, Prudential-Grace Lines, Inc.

I feel that my background at sea and my years of service as Master has given me the experience and qualifications necessary to serve your best interests as International Secretary-Treasurer.

☐ Charles O. Narstrand

I joined Local 88 January 1943 and transferred to Local 24 July 1944. Have never been suspended or dropped. Have served in all capacities, including Master. Hold unlimited Master License #277634, 6-8 issue, dated November 25, 1969 — with Radar and 1st Class Pilots endorsements. Also served the overall MM&P membership as the elected S. E. Florida Representative of Local 24 for more than seven years and Convention Delegate.

During all those years, I always considered myself MEMBER first and an official second, with ALL MEMBERS' RIGHTS as the PARAMOUNT PRIORITY. Personally I am First, Last, and Always an HONEST MEMBER.

Your vote to elect me will guarantee effective membership representation and a strong, viable Union that can and will protect your Jobs and Pensions, and that will be my full-time job.

Now is the time for all members to really express their desires by simply voting for Candidates whom you believe will truly represent you with honesty and integrity to the best of their ability.

The team of Sheldon, Koonce, and Narstrand is Pledged and Committed to Return [illegible] to Membership Control and the [illegible] rights of Members for a Democratic Union.

(TURN PAGE)

EXHIBIT D

C[illegible]IDATES FOR OFFSHORE DIVISI[illegible]OFFICE FOR THE PORT OF NEW ORLEANS

PORT AGENT

(VOTE FOR ONE)

- ☐ Nicholas L. LaRocca
- ☐ Henry M. Stegall

TEAR HERE

EXECUTIVE ASSISTANT PORT AGENT

(VOTE FOR ONE)

- ☐ Cornelius F. Coyle
- ☐ Richard M. Casselberry

ASSISTANT PORT AGENT

- ☐ A. Reid, Jr.

CANDIDATES FOR CONVENTION DELEGATE

(VOTE FOR FIVE)

- ☐ Cornelius F. Coyle
- ☐ Jose Morales
- ☐ Richard M. Casselberry
- ☐ H. J. Landry
- ☐ A. Reid, Jr.
- ☐ Michael E. Pscenicka
- ☐ Henry M. Stegall

TEAR HERE

1971 SEP 15 [illegible]

EXHIBIT D

INTERNATIONAL ORGANIZATION

OF

MASTERS, MATES AND PILOTS

219a

TEAR HERE

OFFICIAL BALLOT

1971 ELECTION OF INTERNATIONAL, OFFSHORE DIVISION & PILOTS DIVISION OFFICERS

Voting Instructions - Read Carefully

General Information

This election is being conducted by the American Arbitration Association under the supervision of the International Ballot Committee elected at the 1971 Convention: Robert Nelson, Chairman; George Eisenhauer, Price Mitchell, Lester Reynolds, and Joseph Valensi.

Instructions

These rules have been adopted to insure the secrecy of your vote. Do not sign, initial or make any mark on this ballot other than the mark in the box of your choice.

1. When you have indicated your votes, fold and seal this ballot in the envelope marked SECRET BALLOT and seal the envelope.

2. Place this Secret Ballot envelope in the larger envelope and clearly print or type your name, address, subordinate body and book number in the space provided in the upper left corner. Also, be sure to SIGN your name in the space provided.

3. Seal this pre-addressed, postage-paid envelope and mail as soon as possible. No postage is required if mailed in the United States.

4. Any return envelope on which the imprinted number is mutilated will void the ballot. This number is for security purposes only. All returned envelopes shall remain unopened until counted by the impartial balloting agency in the presence of the International Ballot Committee.

TEAR HERE

IMPORTANT – IN ORDER TO BE COUNTED YOUR BALLOT MUST BE RECEIVED IN NEW YORK BY MIDNIGHT, DECEMBER 21 st, 1971.

EXHIBIT D

CANDIDATES FOR INTERNATIONAL OFFICE
(VOTE FOR ONLY ONE PERSON FOR EACH OFFICE)

INTERNATIONAL PRESIDENT

☐ Robert Boyle Wright

EAR
HERE

I, Bob Wright, am a man of action, a man with new ideas, an active officer aware of our problems. If you, whether Master, Mate, or Pilot, care and are deeply concerned about our professional future and feel we need a man of action, give me your vote.

I am not going to resort to hackneyed, cornball, political phrases. But this I promise: to charge myself and have all of you to be similarly charged and challenged to action.

Action is needed now; aggressive, conscious action to push our American Merchant Marine affairs in Washington. We must be the leaders of the industry to enlist the aid and coordinate the other maritime unions to action.

Action is needed within our organization to get it to be an organization with a positive atmosphere that can get and move ahead for the benefit of each man in our profession.

If you are interested in our future and like me, have a feeling of responsibility and hope — VOTE FOR BOB WRIGHT.

Joined M.M.P. 1945
Masters license, date 6/19/67 issue 5-8
Member in good standing —
never dropped or suspended

☐ Lloyd W. Sheldon

Events which threaten to extinguish democratic membership control of our Union have caused me to seek the office of International President.

I submit, that with the backing of an active, responsible, determined rank and file membership, and other elected officers responsive to the will of the membership, I can set our Union on a true course that will serve the membership.

The hiring hall is the backbone of our Union. Membership meetings are its vitals. Both must be preserved and utilized fully to guarantee that second class membership shall never be tolerated.

I propose to initiate a program, subject to ratification by membership referendum every step of the way, whereby, if adopted, every job will eventually be bid off the board, with a gradual phaseout, fair to all members, of company seniority system.

I endorse the Members For A Democratic Union Program and will do my level best to humanize and restore stable relationships with all other Maritime Unions.

I joined Local 90 March seventeen, nineteen forty-three. Transferred Local 88 nineteen fifty-seven. Continuous good standing. Master unlimited. 6-9. 1/19/68. Past International President. Former Local 88 President and Secretary Treasurer.

☐ Thomas F. O'Callaghan

Unlimited master, fifth issue. Presently the elected International President of our Organization. Served four years International Secretary-Treasurer/Contract Enforcement Officer; four years as an official on a local level. Have served as Chairman and/or Trustee of P&W plans, MATES PLAN and on INTERNATIONAL LABOR ORGANIZATION and INTERNATIONAL TRANSPORT WORKERS' FEDERATION.

Through my leadership —

— Offshore Locals have been consolidated and service to the membership vastly improved.

— Pilot Locals are consolidated into the Pilot Division — steps have been taken to protect and improve the pilots' stature and economic conditions.

— The Inland Division is now being formed as is the Government Employees' and Shoreside Divisions.

— The prestige and influence of the MM&P is at its highest point. Very shortly we shall operate the finest technical training facility in the world.

— Our P&W Plans have been improved and are secured at levels never before attained.

I shall continue the fight to protect our jurisdiction, the master's primacy and the status of licensed deck officers.

I ask for your vote to continue this work and ask that you support all incumbent officers. They are the Masters, Mates and Pilots Team.

I request that the membership vote in favor of affiliation with ILA.

INTERNATIONAL EXECUTIVE VICE PRESIDENT

☐ George Vance

I joined the International Organization of Masters, Mates and Pilots, in April 1943, when I received my original Third Mates license. I now hold a valid unlimited masters license, dated December 1970, issue number 6-9. I have never been suspended or dropped from the International Organization of Masters, Mates and Pilots.

I was elected and I have served as a Local Trustee for the past two terms in the International Organization of Masters, Mates and Pilots.

At present I am an active sea going licensed deck officer and have sailed in all ratings on my license on both freighters and tankers. I have been active in the Maritime industry for the past twenty-eight years.

☐ William M. Caldwell

William M. Caldwell — Master of Oceans, 6-9, February 5, 1970; Portland, Oregon. Sailed Master and all Licensed Deck Officer ratings, cargo and tanker.

Joined MM&P Local 90, February, 1941 — Suspended Non-Payment of Dues 11/15/48; Reinstated 5/23/51.

Experienced major negotiations, contract enforcement, Vacation, Welfare and Pension Plans.

Elected and served from 1/1/62 to 10/1/70 as Portland Representative of MM&P Local 90.

Elected International Vice President in last International Election. At present am International Executive Vice President of the Organization.

I will continue to work for MM&P progress and stand for MM&P affiliation with the ILA with complete MM&P autonomy guaranteed in order to strengthen MM&P's negotiating position, advance their trade union program and stabilization of the industry.

An American Flag Merchant Marine manned by MM&P Licensed Deck Officers working for wages and working conditions, second to none.

Primacy of the Master.

Uniform Agreements, Welfare Plans and Pensions. Guaranteed lifetime pensions through solid financing with widow's pensions and dependents rights protected.

Opposition to reduced manning to meet impact of new technology, with goal of two crews for every ship and guaranteed annual wage.

I endorse Thomas F. O'Callaghan for International President, and Robert J. Lowen for International Secretary-Treasurer.

☐ Amos E. Koonce

Continuous membership in Local 88 since January 1946. Had fourth issue Master's License dated March 13, 1967. My experiences cover all licensed capacities aboard dry cargo vessels, tankers and extensive on chemical tankers. Served on strike and ballot committees and Local 88 "Special Constitution Committee".

I'm Secretary Treasurer and co-founder of "Members for a Democratic Union" with membership nationwide and growing rapidly.

Active preparing and distributing leaflets disseminating information on union affairs to membership. Deeply involved since MMP news blackout. I am committed to membership's right to be fully informed and will insist on their right to decide.

Participated preparing "program for the membership" and committed to effecting the provisions therein.

Favor restoring and keeping our union democratic. Opposed to dictatorial powers given the International President and General Executive Board by the new Constitution.

Favor opening negotiations effecting a signed and clear "collective bargaining agreement".

I oppose consolidation of inland locals. Will protect their autonomous rights so they will not suffer dictatorial powers imposed by the present Constitution.

Will protect the right of member MMP ports to control their own affairs as ship ports within the framework of the Organization. Dedicated to the best interest of licensed ship's officers.

INTERNATIONAL SECRETARY-TREASURER

☐ Robert J. Lowen

TEAR
HERE

Member of MM&P offshore continuously since graduation from Kings Point in 1932. Held Master's License unlimited, issue 3-6. Bachelor Of Science degree.

Having come ashore only within the past year, I know firsthand the problems being faced by the membership. Almost twenty years at sea, mainly as Master, qualifies me to properly handle beefs and improve deficiencies in our contracts.

I am dedicated to maintaining the professional and respected name Masters, Mates and Pilots have historically enjoyed. Affiliation with the ILA will contribute to a more effective Officers' Union and I support our affiliation with the ILA.

As the present International Secretary-Treasurer I have participated in projects which have provided or will provide significant benefits to the membership:

— Establishment of a modern recordkeeping and information system to improve service to the membership.

— Requirement of a new license examination to include Celestial Course testing based on Today's Shipboard Needs.

— Revision of the rules of the road to reflect the modernization of today's ships.

— Testimony before Congress concerning important legislation (radiotelephone, etc.)

Your help — through your vote — will permit me to continue our work.

I ask your support of President O'Callaghan, Vice President Caldwell and our incumbent port officials.

☐ George H. Baker

I joined the MM&P Local 88 on December 11, 1941 book number 1081. I belong to the Marine Society of the City of New York and the U.S.N.R.

I have a Masters license any gross tons, oceans. Issue 6-7 at the Port of New York April 19th, 1969, and first class Pilot New York Lower Bay. I have never been suspended or dropped from the MM&P.

I started to sea as a Company Cadet on the Ward Line Ship S/S Morowa in 1935. I sailed as Cadet, AB, Quartermaster, Bos'n, until attending Fort Trumbull, New London, Conn. in the first class June to December 1941. Received my 3rd Mates license on December 10, 1941. Sailed with AGWI Lines during WW2, later sailed with the Corps of Army Engineers, Black Diamond, Triton, and in 1951 came with Prudential Lines as Chief Mate, went Master of the Fordham Victory in 1957, then the Newberry Victory, Malone Victory, Attleboro Victory, Prudential Sea-jet, and at present, Master of the Lash Esseno, Prudential-Grace Lines, Inc.

I feel that my background at sea and my years of service as Master has given me the experience and qualifications necessary to serve your best interests as International Secretary-Treasurer.

☐ Charles O. Norstrand

I joined Local 88 January 1943 and transferred to Local 24 July 1961. Have never been suspended or dropped. Have served in all capacities, including Master Yacht unlimited Master License #377634 6-8 issue dated November 25, 1969 — with Radar and 1st Class Pilots endorsements. Also served the overall MM&P membership as the elected S. E. Florida Representative of Local 24 for more than seven years and Convention Delegate.

During all these years, I always considered myself MEMBER first and an officer second, with ALL MEMBERS' RIGHTS as the PARAMOUNT PRIORITY. Personally, I am First, Last, and Always an MM&P MEMBER.

Your vote to elect me will guarantee effective membership representation and a strong, viable Union that can and will protect your Jobs and Pensions, and that will be my full-time job.

Now is the time for all members to really express their desires by simply voting for Candidates whom you believe will truly represent you with Honesty and Integrity to the best of their ability.

The team of Sheldon, Koonce, and Norstrand is Pledged and Committed to return (MM&P to Membership Control and the principles of Members for a Democratic Union.

(TURN PAGE)

EXHIBIT D

CANDIDATES FOR OFFSHORE DIVISION OFFICE
FOR THE PORT OF
BOSTON

221a

PORT AGENT

(VOTE FOR ONE)

- ☐ George E. Landrigan
- ☐ Patrick J. Connolly
- ☐ Patrick J. King

TEAR HERE

ASSISTANT PORT AGENT

- ☐ Frank C. Flaherty

CANDIDATES FOR CONVENTION DELEGATE
(VOTE FOR TWO)

- ☐ William H. Doherty
- ☐ Patrick J. King
- ☐ Patrick J. Connolly
- ☐ Frank C. Flaherty

EXHIBIT D

TEAR

INTERNATIONAL ORGANIZATION
OF
MASTERS, MATES AND PILOTS

OFFICIAL BALLOT

1971 ELECTION OF INTERNATIONAL, OFFSHORE DIVISION & PILOTS DIVISION OFFICERS

Voting Instructions - Read Carefully

General Information

This election is being conducted by the American Arbitration Association under the supervision of the International Ballot Committee elected at the 1971 Convention: Robert Nelson, Chairman; George Eisenhauer, Price Mitchell, Lester Reynolds, and Joseph Valensi.

Instructions

These rules have been adopted to insure the secrecy of your vote. Do not sign, initial or make any mark on this ballot other than the mark in the box of your choice.

1. When you have indicated your votes, fold and seal this ballot in the envelope marked SECRET BALLOT and seal the envelope.

2. Place this Secret Ballot envelope in the larger envelope and clearly print or type your name, address, subordinate body and book number in the space provided in the upper left corner. Also, be sure to SIGN your name in the space provided.

3. Seal this pre-addressed, postage-paid envelope and mail as soon as possible. No postage is required if mailed in the United States.

4. Any return envelope on which the imprinted number is mutilated will void the ballot. This number is for security purposes only. All returned envelopes shall remain unopened until counted by the impartial balloting agency in the presence of the International Ballot Committee.

IMPORTANT – IN ORDER TO BE COUNTED YOUR BALLOT MUST BE RECEIVED IN NEW YORK BY MIDNIGHT, DECEMBER 21 st, 1971.

EXHIBIT D

OFFICIAL BALLOT — [illegible]
(VOTE FOR ONLY ONE CANDIDATE FOR EACH OFFICE)

INTERNATIONAL PRESIDENT

☐ Robert Doyle Wright

I, Bob Wright, am a man of action, a man with experience in active affairs aware of our problems. If you elect me Master, Mate, or Pilot, I will be sincerely concerned about our professional future and I would hold a man of action, like me your vote.

I am not going to resort to hackneyed, combined, political [illegible] but this I promise: to [illegible] all of you to be similarly concerned and charged to action.

Action is the need [illegible] aggressive, corrective action to avoid our Antitrust exemption, Marine affairs in Washington. We must be the leaders of the industry to enlist the aid and coordinate the other maritime unions to action.

Action is needed within our organization to get it to be an organization with a positive atmosphere that can test and move ahead for the benefit of each man in our profession.

If you are interested in our future and like me have a feeling of responsibility and hope — VOTE FOR COB WRIGHT.

Joined M.M.P. 1945
Masters license date 6/19/67 issue 5-6
Member in good standing —
Never dropped or suspended

☐ Lloyd W. Sheldon

Events which threaten to extinguish democratic membership control of our Union have caused me to seek the office of International President.

I submit, that with the backing of an active, responsible, determined crew and the membership, and other elected officers responsive to the will of the membership, I can set our Union on a true course that will serve the membership.

The human hall is the backbone of our Union. Membership meetings are its guts. Both must be preserved and utilized fully to guarantee that sound class membership shall never be tolerated.

I propose to initiate a program, subject to ratification by membership referendum every step of the way, whereby, if adopted, every job will eventually be shut off the board, with a gradual phaseout, fair to all members, of company seniority system.

I endorse the Members For A Democratic Union Program and will do my level best to humanize and restore stable relationships with all other Maritime Unions.

I joined Local 90 March seventeen, nineteen forty-three. Transferred Local 88 nineteen fifty-seven. Continuous good standing. Master unlimited. 6-9. 1/19/68. Past International President. Former Local 88 President and Secretary Treasurer.

☐ Thomas F. O'Callaghan

Unlimited master, fifth issue. Presently the elected International President of our Organization. Served four years International Secretary-Treasurer/Contract Enforcement Officer. Four years as an official on a local level. I have served as Chairman and/or Trustee on [illegible] plans, MATES PLAN and on INTERNATIONAL LABOR ORGANIZATION and INTERNATIONAL TRANSPORT WORKERS' FEDERATION.

Through my leadership —

— Offshore Locals have been consolidated into the Pilot Division — steps have been taken to protect and improve the pilots' stature and economic conditions.

— The Inland Division is now being formed as is the Government Employees' and Shoreside Divisions.

— The prestige and influence of the MM&P is at its highest point. Very shortly we shall operate the finest technical training facility in the world.

— Our P&W Plans have been improved and are secured at levels never before attained.

I shall continue the fight to protect our jurisdiction, the master's primacy and the status of licensed deck officers.

I ask for your vote to continue this work and ask that you support all incumbent officers. They are the Masters, Mates and Pilots Team.

I request that the membership vote in favor of [illegible] with me.

INTERNATIONAL EXECUTIVE VICE PRESIDENT

☐ George Vanos

I joined the International Organization of Masters, Mates and Pilots, in World War II, when I received my original Third Mates license. I now hold a yacht unlimited officers license, dated December 1970, issue number 6-3xx have never been suspended or dropped from the International Organization of Masters, Mates and Pilots.

I was elected and I have served as a Local Trustee for the past five terms in the International Organization of Masters, Mates and Pilots.

At present I am an active sea going licensed deck officer and have sailed in all ratings on my license on both freighters and tankers. I have been active in the Maritime industry for the past twenty-eight years.

☐ William M. Caldwell

William M. Caldwell — Master of Oceans, 6-9, February 6, 1930, Portland, Oregon. Sailed Master and all licensed Deck Officer ratings, cargo and tanker.

Joined MM&P Local 90, February, 1941 — Suspended Non-Payment of Dues 11/15/48; Reinstated 5/23/51.

Experienced major negotiations, contract enforcement, Vacation, Welfare and Pension Plans.

Elected and served from 1/1/62 to 10/1/70 as Portland Representative of MM&P Local 90.

Elected International Vice President in last International Election. At present am International Executive Vice President of the Organization.

I will continue to work for MM&P progress and stand for MM&P affiliation with the ILA with complete MM&P autonomy guaranteed in order to strengthen MM&P's negotiating position, advance their trade union program and stabilization of the industry.

An American Flag Merchant Marine manned by MM&P Licensed Deck Officers working for wages and working conditions, second to none.

Primacy of the Master.

Uniform Agreements, Welfare Plans and Pensions. Guaranteed lifetime pensions through solid financing with widow's pensions and dependents rights protected.

Opposition to reduced manning to meet impact of new technology with total of two crews for every ship and maintained annual wage.

I endorse Thomas F. O'Callaghan for International President, and Robert J. Lowen for International Secretary-Treasurer.

☐ Amos E. Koonce

Continuous membership in Local 88 since January 1936. Hold fourth issue Master's License dating March 12, 1957. My experiences cover all licensed capacities aboard dry cargo vessels, tankers and extensive on chemical tankers. Served on strike and ballot committees and Local 88 "Special Constitution Committee".

I'm Secretary Treasurer and co-founder of "Members for a Democratic Union" with members nationwide and growing rapidly.

Active preparing and distributing leaflets disseminating information on union affairs to membership. Deeply involved since MMP news blackout. I am committed to membership's right to be fully informed and will insist on their right to decide.

Participated preparing "program for the membership" and committed to effecting the provisions therein.

Favor restoring and keeping our union democratic. Opposed to dictatorial powers given the International President and General Executive Board by the new Constitution.

Favor opening negotiations effecting a signed and clear "collective bargaining agreement".

I oppose consolidation of inland locals. Will protect their autonomous rights so they will not suffer dictatorial powers imposed by the present Constitution.

Will protect the right of member MMP pilots to control their own affairs as ship pilots within the framework of the Organization. Dedicated to the best interest of licensed ship's officers.

INTERNATIONAL SECRETARY-TREASURER

☐ [illegible]

[illegible]

☐ George M. Selser

I joined the [illegible] on December 11, 1933 [illegible] the Atlantic Coast Society of the U.S.N.R.

I have 4 [illegible] of sea duty, [illegible] years [illegible] Navy and [illegible] Navy Armed Guard. [illegible] never been suspended or dropped from the MM&P.

I started in 1935 as a Company Clerk on the Grace Line and a U.S. Mail ship in 1935. I served as Clerk and Quartermaster, until attending Fort Trumbull, New London, Conn. in the first class June to September 1941. Received my 3rd Mates license on December 13, 1941. Served with AcWI Lines during WWII, later sailed with the Cities of Army Transports, Black Diamond, Triton, and in 1950 came with Presidential Lines as Chief Mate aboard [illegible] of the Farnham as Chief Mate aboard [illegible] Victory, [illegible] Victory, Pioneer Victory, Global Victory [illegible] Liberty [illegible] and at present [illegible] of the Lash Explorer, Prudential-Grace Lines, Inc.

I feel that my background at sea and my years of service [illegible] has given me the experience and [illegible] to serve your best interests as International Secretary-Treasurer.

☐ Charles D. [illegible]

I joined [illegible] and transferred [illegible] been sus- [illegible] all passed [illegible] Master [illegible] November 28, [illegible] ended [illegible] member [illegible] Representative [illegible] and Con- [illegible] considered myself [illegible] second, with [illegible] PARAMOUNT ALL [illegible] is the PARAMOUNT PRIORITY. [illegible] First, Last, and Always an [illegible].

Your vote to [illegible] effective [illegible], viable [illegible] Jobs and Union [illegible].

Now is the [illegible] for Candidate [illegible] you [illegible] of their [illegible].

[illegible] Mainstream [illegible] of MM&P to [illegible] Members

EXHIBIT D

CANDIDATES FOR OFFSHORE DIVISION OFFICE FOR THE PORTS OF GALVESTON, HOUSTON and PORT ARTHUR

VICE PRESIDENT, OFFSHORE DIVISION (Gulf) PORT AGENT (GALVESTON) AND CONVENTION DELEGATE

(VOTE FOR ONE)

- ☐ Robert L. Jones
- ☐ Ashley M. Gordon

TEAR HERE

EXECUTIVE ASSISTANT PORT AGENT (GALVESTON)

- ☐ Charles D. Connally

PORT AGENT (HOUSTON)

(VOTE FOR ONE)

- ☐ Reuben H. McLaurin
- ☐ Robert N. Polumbo
- ☐ Paul Wilkins

ASSISTANT PORT AGENT (HOUSTON)

(VOTE FOR ONE)

- ☐ Thomas D. Neumann
- ☐ Robert C. Chamberlin

PORT AGENT (PORT ARTHUR)

(VOTE FOR ONE)

- ☐ Patrick J. Doherty
- ☐ James R. Giblin
- ☐ William B. McNeal

CANDIDATES FOR CONVENTION DELEGATE

(VOTE FOR TWO)

- ☐ Charles D. Connally
- ☐ James R. Giblin
- ☐ Thomas D. Neumann
- ☐ Francis V. Ceschiner
- ☐ Robert N. Polumbo
- ☐ Theodore J. Teddlie

TEAR HERE

BEST COPY AVAILABLE

EXHIBIT D

[redacted]

[redacted]

[redacted]

Voting Instructions - Read Carefully

General Information

This election is being conducted by the American Arbitration Association under the supervision of the International Ballot Committee elected at the 1971 Convention: Robert Nelson, Chairman; George Eisenhauer, Price Mitchell, Lester Reynolds, and Joseph Valenti.

Instructions

These rules have been adopted to insure the secrecy of your vote. Do not sign, initial or make any mark on this ballot other than the mark in the box of your choice.

1. When you have indicated your votes, fold and seal this ballot in the envelope marked SECRET BALLOT and seal the envelope.

2. Place this Secret Ballot envelope in the larger envelope and clearly print or type your name, address, classification if any, and clock number in the space provided in the upper left corner. Also be sure to SIGN your name in the space provided.

3. Seal this pre-addressed, postage paid envelope and mail as soon as possible. No tape is required if mailed in the United States.

4. Any return envelope on which the required information is omitted will not be counted. This number is for securing purposes only. All returned envelopes shall remain unopened until counted by the impartial balloting agency in the presence of the International Ballot Committee.

IMPORTANT – IN ORDER TO BE COUNTED YOUR BALLOT MUST BE RECEIVED IN NEW YORK BY MIDNIGHT, DECEMBER 21st, 1971.

EXHIBIT D

CANDIDATES FOR INTERNATIONAL OFFICE

(VOTE FOR ONLY ONE PERSON FOR EACH OFFICE)

INTERNATIONAL PRESIDENT

☐ Robert Coyle Wright

I, Bob Wright, am a man of action, a man with new ideas, an active officer aware of our problems. If you, whether Master, Mate, or Pilot, care and are deeply concerned about our professional future and feel we need a man of action, give me your vote.

I am not going to resort to hackneyed, cornball, political phrases. But this I promise: to charge myself and hope all of you to be similarly concerned and charged to action.

Action is needed now! aggressive, ceaseless action to push our American Merchant Marine affairs in Washington. We must be the leaders of the industry to enlist the aid and coordinate the other maritime unions to action.

Action is needed within our organization to get it to be an organization with a positive atmosphere that can act and move ahead for the benefit of each man in our profession.

If you are interested in our future and like me, have a feeling of responsibility and hope — VOTE FOR BOB WRIGHT.

Joined M.M.P. 1945
Masters license, date 6/19/67 issue 5-8
Member in good standing —
never dropped or suspended

☐ Lloyd W. Sheldon

Events which threaten to extinguish democratic membership control of our Union have caused me to seek the office of International President.

I submit, that with the backing of an active, responsible, determined rank and file membership, and other elected officers responsive to the will of the membership, I can set our Union on a true course that will serve the membership.

The hiring hall is the backbone of our Union. Membership meetings are its guts. Both must be preserved and utilized fully to guarantee that second class membership shall never be tolerated.

I propose to initiate a program, subject to ratification by membership referendum every step of the way, whereby, if accepted, every job will eventually be bid off the board, with a gradual phaseout, fair to all members, of company seniority system.

I endorse the Members For A Democratic Union Program and will do my level best to humanize and restore stable relationships with all other Maritime Unions.

I joined Local 90 March seventeen, nineteen forty-three. Transferred Local 88 nineteen fifty-seven. Continuous good standing. Master unlimited. 6-9. 1/19/68. Past International President. Former Local 88 President and Secretary Treasurer.

☐ Thomas F. O'Callaghan

Unlimited master, fifth issue. Presently the elected International President of our Organization. Served four years International Secretary-Treasurer/Contract Enforcement Officer; four years as an official on a local level. Have served as Chairman and/or Trustee of P&W plans, MATES PLAN and on INTERNATIONAL LABOR ORGANIZATION and INTERNATIONAL TRANSPORT WORKERS' FEDERATION.

Through my leadership —

— Offshore Locals have been consolidated and service to the membership vastly improved.

— Pilot Locals are consolidated into the Pilot Division — steps have been taken to protect and improve the pilots' stature and economic conditions.

— The Inland Division is now being formed as is the Government Employees' and Shoreside Divisions.

— The prestige and influence of the MM&P is at its highest point. Very shortly we shall operate the finest technical training facility in the world.

— Our P&W Plans have been improved and are secured at levels never before attained.

I shall continue the fight to protect our jurisdiction, the master's primacy and the status of licensed deck officers.

I ask for your vote to continue this work and ask that you support all incumbent officers. They are the Masters, Mates and Pilots Team.

I request that the membership vote in favor of affiliation with ILA.

INTERNATIONAL EXECUTIVE VICE PRESIDENT

☐ George Vasce

[illegible] the International Organization of Masters, Mates and Pilots. [illegible] 1943 [illegible] Master's license [illegible] 1945 [illegible] 1947 [illegible] 1951 [illegible] 1957 [illegible] 1961 [illegible] 1967 [illegible] have never been suspended or dropped from the membership. Organization of Masters, Mates and Pilots.

I was elected and I have served as a Local Trustee for the past two terms in the International Organization of Masters, Mates and Pilots.

At present I am an active sea going licensed deck officer and have sailed in all ratings on my license on both freighters and tankers. I have been active in the Maritime industry for the past twenty-eight years.

☐ William M. Caldwell

William M. Caldwell — Master of Oceans 88, February 8, [illegible] Pilot and Unlimited Deck Officer ratings, cards #[illegible].

Joined Local 90, February 1941 — Suspended [illegible] Payment of Dues [illegible] Reinstated 5 23 51.

Experienced [illegible] negotiations, contract enforcement, vacation, Welfare and Pension Plans.

Elected and served from [illegible] 62 to [illegible] 1/70 as Portland Representative of MM&P Local 90.

Elected International Vice President in last International Election. At present am International Executive Vice President of the Organization.

I will continue to work for MM&P progress and stand for MM&P affiliation with the ILA with complete MM&P autonomy guaranteed in order to strengthen MM&P's negotiating position, advance their trade union program and stabilization of the industry.

An American Flag Merchant Marine manned by MM&P Licensed Deck Officers working for wages and working conditions, second to none.

Primacy of the Master.

Uniform Agreements, Welfare Plans and Pensions. Guaranteed lifetime pensions through solid financing with widow's pensions and dependents rights protected.

Opposition to reduced manning to meet impact of new technology, with goal of two crews for every ship and guaranteed annual wage.

I endorse Thomas F. O'Callaghan for International President, and Robert J. Lowen for International Secretary-Treasurer.

☐ Amos E. Keance

Continuous membership in [illegible] 33 since January [illegible] 1944 [illegible] Master's License [illegible] 1951 [illegible] 1957 [illegible] 1961 [illegible] 1967 [illegible] have never been suspended or dropped from membership. Served as [illegible] Secretary Treasurer and Co-founder of [illegible] Secretary Treasurer and Co-founder of members for a Democratic Union" with members nationwide and growing rapidly.

Active preparing and distributing leaflets disseminating information on union affairs to membership. Deeply involved since MMP news blackout. I am committed to membership's right to be fully informed and will insist on their right to decide.

Participated preparing "program for the membership" and committed to effecting the provisions therein.

Favor restoring and keeping our union democratic. Opposed to dictatorial powers given the International President and General Executive Board by the new Constitution.

Favor opening negotiations effecting a signed and clear "collective bargaining agreement".

I oppose consolidation of inland locals. Will protect their autonomous rights so they will not suffer dictatorial powers imposed by the present Constitution.

Will protect the right of member MMP pilots to control their own affairs as ship pilots within the framework of the Organization. Dedicated to the best interest of licensed ship's officers.

INTERNATIONAL SECRETARY-TREASURER

☐ Robert J. Lowen

[illegible] Member of MM&P Officers continuously since [illegible] 1951 [illegible] Master's license [illegible] 1953 [illegible] Member in good standing [illegible] issue 1-8. Member of [illegible]

[illegible] the past [illegible] years by the membership [illegible] 1965 at sea [illegible] Secretary Treasurer [illegible] 1967 [illegible] have never been suspended or dropped from the membership. Organization of Masters, Mates and Pilots.

I am dedicated to the [illegible] professional and responsible Masters, Mates and Pilots have [illegible] affiliation with the ILA will [illegible] to a more effective Officers union and I support our affiliation with the ILA.

As the present International Secretary-Treasurer I have participated in projects which have provided for [illegible] previous significant benefits to the membership.

— establishment of a modern recordkeeping and information system to improve service to the membership.

— [illegible] of a new license examination [illegible] with [illegible] testing based on [illegible]

— [illegible] to reflect [illegible] the membership [illegible] today's ships.

— [illegible] Conference concerning [illegible] etc.)

[illegible] your vote — and permit me to continue our work.

I ask your support of President O'Callaghan, Vice President Caldwell and our incumbent port officers.

☐ George H. Baiser

I joined the MM&P Local 88 on December 11, 1941. Upon [illegible] to the Marine Society of the City of New York and the U.S.N.R. [illegible] I sailed [illegible] 1946, [illegible] 1951 as Chief [illegible] Engineer. [illegible] 1951 [illegible] 1957 [illegible] Chief [illegible] 1957 [illegible] 1961 [illegible] Master [illegible] 1961 [illegible] 1967 [illegible] Master [illegible] 1967 [illegible] have never been suspended or dropped from membership.

[illegible] as Chief Engineer [illegible] Master [illegible] Pilot and [illegible] Engineer [illegible] Pilot [illegible] Engineer [illegible] Pilot [illegible] Engineer [illegible] Pilot

[redacted]

[redacted] CONVENTION DELEGATE

(VOTE FOR ONE)

- [redacted] Robert MacKreath
- [redacted] Mike O. Scott

VOTE FOR ONE

FIELD REPRESENTATIVE (SOUTHEAST FLORIDA)

(VOTE FOR ONE)

- James T. Russell
- John W. Brown
- Gregory J. Hatch
- A. J. (Terry) Murphy

CANDIDATE FOR CONVENTION DELEGATE

- Frank Paul

CANDIDATES FOR [redacted]
CONVENTION DELEGATE
(VOTE FOR ONE)

- Floyd Hafner
- Jacob Spiegel

VOTE FOR ONE

EXHIBIT D

INTERNATIONAL ORGANIZATION
OF
MASTERS, MATES AND PILOTS

TEAR HERE

OFFICIAL BALLOT

1971 ELECTION OF INTERNATIONAL, OFFSHORE DIVISION & PILOTS DIVISION OFFICERS

Voting Instructions - Read Carefully

General Information

This election is being conducted by the American Arbitration Association under the supervision of the International Ballot Committee elected at the 1971 Convention: Robert Nelson, Chairman; George Eisenhauer, Price Mitchell, Lester Reynolds, and Joseph Valensi.

Instructions

These rules have been adopted to insure the secrecy of your vote. Do not sign, initial or make any mark on this ballot other than the mark in the box of your choice.

1. When you have indicated your votes, fold and seal this ballot in the envelope marked SECRET BALLOT and seal the envelope.

2. Place this Secret Ballot envelope in the larger envelope and clearly print or type your name, address, subordinate body and book number in the space provided in the upper left corner. Also, be sure to SIGN your name in the space provided.

3. Seal this pre-addressed, postage-paid envelope and mail as soon as possible. No postage is required if mailed in the United States.

4. Any return envelope on which the imprinted number is mutilated will void the ballot. This number is for security purposes only. All returned envelopes shall remain unopened until counted by the impartial balloting agency in the presence of the International Ballot Committee.

TEAR HERE

IMPORTANT – IN ORDER TO BE COUNTED YOUR BALLOT MUST BE RECEIVED IN NEW YORK BY MIDNIGHT, DECEMBER 21 st, 1971.

EXHIBIT D

CANDIDATES FOR INTERNATIONAL OFFICE

(VOTE FOR ONLY ONE PERSON FOR EACH OFFICE)

INTERNATIONAL PRESIDENT

☐ Robert Doyle Wright

TEAR HERE

I, Bob Wright, am a man of action, a man with new ideas, an active officer aware of our problems. If you, whether Master, Mate, or Pilot, care and are deeply concerned about our professional future and feel we need a man of action, give me your vote.

I am not going to resort to hackneyed, cornball, political phrases. But this I promise: to charge myself and hope all of you to be similarly concerned and charged to action.

Action is needed now: aggressive, ceaseless action to push our American Merchant Marine affairs in Washington. We must be the leaders of the industry to enlist the aid and coordinate the other maritime unions to action.

Action is needed within our organization to get it to be an organization with a positive atmosphere that can act and move ahead for the benefit of each man in our profession.

If you are interested in our future and like me, have a feeling of responsibility and hope — VOTE FOR BOB WRIGHT.

Joined M.M.P. 1945
Masters license, date 6/19/67 issue 5-6
Member in good standing —
never dropped or suspended

☐ Lloyd W. Sheldon

Events which threaten to extinguish democratic membership control of our Union have caused me to seek the office of International President.

I submit, that with the backing of an active, responsible, determined rank and file membership, and other elected officers responsive to the will of the membership, I can set our Union on a true course that will serve the membership.

The hiring hall is the backbone of our Union. Membership meetings are its guts. Both must be preserved and utilized fully to guarantee that second class membership shall never be tolerated.

I propose to initiate a program, subject to ratification by membership referendum every step of the way, whereby, if adopted, every job will eventually be bid off the board, with a gradual phaseout, fair to all members, of company seniority system.

I endorse the Members For A Democratic Union Program and will do my level best to humanize and restore stable relationships with all other Maritime Unions.

I joined Local 90 March seventeen, nineteen forty-three. Transferred Local 58 nineteen fifty-seven. Continuous good standing. Master unlimited, 6-9, 1/19/68. Past International President. Former Local 58 President and Secretary Treasurer.

☐ Thomas F. O'Callaghan

Unlimited master, fifth issue. Presently the elected International President of our Organization. Served four years International Secretary-Treasurer/Contract Enforcement Officer; four years as an official on a local level. Have served as Chairman and/or as Trustee of P&W plans, MATES PLAN and on INTERNATIONAL LABOR ORGANIZATION and INTERNATIONAL TRANSPORT WORKERS' FEDERATION.

Through my leadership —

— Offshore Locals have been consolidated and service to the membership vastly improved.

— Pilot Locals are consolidated into the Pilot Division — steps have been taken to protect and improve the pilots' stature and economic conditions.

— The Inland Division is now being formed as is the Government Employees' and Shoreside Divisions.

— The prestige and influence of the MM&P is at its highest point. Very shortly we shall operate the finest technical training facility in the world.

— Our P&W Plans have been improved and are secured at levels never before attained.

I shall continue the fight to protect our jurisdiction, the master's primacy and the status of licensed deck officers.

I ask for your vote to continue this work and ask that you support all incumbent officers. They are the Masters, Mates and Pilots Team.

I request that the membership vote in favor of affiliation with ILA.

INTERNATIONAL EXECUTIVE VICE PRESIDENT

☐ George Vance

I joined the International Organization of Masters, Mates and Pilots, in April 1943, when I received my original Third Mates license. I now hold a valid unlimited masters license, dated December 1970, issue number 6-9. I have never been suspended or dropped from the International Organization of Masters, Mates and Pilots.

I was elected and I have served as a Local Trustee for the past two terms in the International Organization of Masters, Mates and Pilots.

At present I am an active sea going licensed deck officer and have sailed in all ratings on my license on both freighters and tankers. I have been active in the Maritime industry for the past twenty-eight years.

☐ William M. Caldwell

William M. Caldwell — Master of Oceans. 6-9. February 6, 1970. Portland, Oregon. Sailed Master and all Licensed Deck Officer ratings, cargo and tanker.

Joined MM&P Local 90, February, 1941 — Suspended Non-Payment of Dues 12/13/48; Reinstated 5/23/51.

Experienced major negotiations, contract enforcement, Vacation, Welfare and Pension Plans. Elected and served from 1/1/62 to 10/1/70 as Portland Representative of MM&P Local 90.

Elected International Vice President in last International Election. At present am International Executive Vice President of the Organization.

I will continue to work for MM&P progress and stand for MM&P affiliation with the ILA with complete MM&P autonomy guaranteed in order to strengthen MM&P's negotiating position, advance their trade union program and stabilization of the industry.

An American Flag Merchant Marine manned by MM&P Licensed Deck Officers working for wages and working conditions, second to none.

Primacy of the Master.

Uniform Agreements, Welfare Plans and Pensions. Guaranteed lifetime pensions through said financing with widow's pensions and dependents rights protected.

Opposition to reduced manning to meet impact of new technology, with goal of two crews for every ship and guaranteed annual wage.

I endorse Thomas F. O'Callaghan for International President, and Robert J. Lowen for International Secretary-Treasurer.

☐ Amos E. Keance

Continuous membership in Local 88 since January 1946. Held fourth issue Master's license dated 11/8/67. My experiences cover all licensed capacities aboard dry cargo vessels, tankers and extensive on chemical tankers. Served on strike and ballot committees and Local 88 "Special Constitution Committee".

I'm Secretary Treasurer and co-founder of "Members for a Democratic Union" with members nationwide and growing rapidly.

Active preparing and distributing leaflets disseminating information on union affairs to membership. Deeply involved since MMP news blackout. I am committed to membership's right to be fully informed and will insist on their right to decide.

Participated preparing "program for the membership" and committed to effecting the provisions therein.

Favor restoring and keeping our union democratic. Opposed to dictatorial powers given the International President and General Executive Board by the new Constitution.

Favor opening negotiations effecting a signed and clear "collective bargaining agreement".

I oppose consolidation of inland locals. Will protect their autonomous rights so they will not suffer dictatorial powers imposed by the present Constitution.

Will protect the right of member MMP [illegible] to control their own affairs as ship [illegible] within the frameworks of the Organization. Dedicated to the best interest of licensed ship's officers.

INTERNATIONAL SECRETARY-TREASURER

☐ Robert J. Lowen

Member of MM&P Offshore continuously since [illegible] 1932. Held [illegible] Issue 3-6. Bachelor Of Science [illegible]

TEAR HERE

[illegible] past year, [illegible] years at sea, [illegible] Issue 4-6. Secretary Treasurer [illegible] Property [illegible] and [illegible] differences in our contracts.

I am dedicated to maintaining the professional and respected [illegible] Masters, Mates and Pilots have historically enjoyed. Affiliation with the ILA will contribute to a more effective Officers' Union and I support our affiliation with the ILA.

As the present International Secretary-Treasurer I have participated in projects which have produced for and provided significant benefits to the membership.

— [illegible] of a modern recordkeeping and information system to improve service to the membership.

— Government [illegible] a new license examination [illegible] Coast Guard testing based on Today's [illegible] vessels.

— [illegible] of the road to reflect the [illegible] Today's ships.

— [illegible] Continuous [illegible] improvement [illegible] (pensions, etc.)

Your [illegible] — [illegible] your vote — will permit me to continue our work.

I ask your support of President O'Callaghan, Vice President Caldwell and our incumbent port officials.

☐ George H. Dalser

I joined the MM&P Local 88 on December 11, 1944, [illegible] Society of the City of New York and the U.S.M.M. [illegible] Cadet, AB [illegible] ing Fort Trumbull [illegible] first class June to December [illegible] 3rd Mates license on December 10, 1945. Sailed with AGWI Lines during WWII. Later sailed with the Corps of Army Engineers, Black Diamond, Triton, and in 1951 came with Prudential Lines as Chief Mate, went Master of the Farnham Victory in 1957, then the Kenworthy Victory, Maine Victory, Attributor Victory, Prudential Seafarer, and at present, Master of the Lash Espana, Prudential-Grace Lines, Inc.

I feel that my background at sea and my years of service as Master has given me the experience and qualifications necessary to serve your best interests as International Secretary-Treasurer.

☐ Charles O. Nerstrand

I joined Local 88 January 1943 and transferred to Local [illegible] have never been [illegible] and serve. [illegible] Master [illegible] per 12, [illegible] [illegible] [illegible]

[redacted]
FOR THE PORTS OF
MOBILE and TAMPA

PORT AGENT (MOBILE) AND CONVENTION DELEGATE

☐ Francis E. Kyser

TEAR HERE

FIELD REPRESENTATIVE (TAMPA)

(VOTE FOR ONE)

☐ James S. Purdy
☐ Joseph A. Stanley
☐ J. R. (Jim) Holland
☐ George F. Clarke

CANDIDATES FOR CONVENTION DELEGATE
(VOTE FOR ONE)

☐ James S. Purdy
☐ Joseph A. Stanley
☐ Walter J. Andersen
☐ George E. Odom

TEAR HERE

EXHIBIT D

INTERNATIONAL ORGANIZATION
OF
MASTERS, MATES AND PILOTS

TEAR HERE

OFFICIAL BALLOT

1971 ELECTION OF INTERNATIONAL, OFFSHORE DIVISION & PILOTS DIVISION OFFICERS

Voting Instructions - Read Carefully

General Information

This election is being conducted by the American Arbitration Association under the supervision of the International Ballot Committee elected at the 1971 Convention: Robert Nelson, Chairman; George Eisenhauer, Price Mitchell, Lester Reynolds, and Joseph Valensi.

Instructions

These rules have been adopted to insure the secrecy of your vote. Do not sign, initial or make any mark on this ballot other than the mark in the box of your choice.

1. When you have indicated your votes, fold and seal this ballot in the envelope marked SECRET BALLOT and seal the envelope.

2. Place this Secret Ballot envelope in the larger envelope and clearly print or type your name, address, subordinate body and book number in the space provided in the upper left corner. Also, be sure to SIGN your name in the space provided.

3. Seal this pre-addressed, postage-paid envelope and mail as soon as possible. No postage is required if mailed in the United States.

4. Any return envelope on which the imprinted number is mutilated will void the ballot. This number is for security purposes only. All returned envelopes shall remain unopened until counted by the impartial balloting agency in the presence of the International Ballot Committee.

TEAR HERE

IMPORTANT – IN ORDER TO BE COUNTED YOUR BALLOT MUST BE RECEIVED IN NEW YORK BY MIDNIGHT, DECEMBER 21 st, 1971.

EXHIBIT D

CANDIDATES FOR INTERNATIONAL OFFICE

(VOTE FOR ONLY ONE PERSON FOR EACH OFFICE)

INTERNATIONAL PRESIDENT

☐ Robert Doyle Wright

I, Bob Wright, am a man of action, a man with new ideas, an active officer aware of our problems. If you, whether Master, Mate, or Pilot, care and are deeply concerned about our professional future and feel we need a man of action, give me your vote.

I am not going to resort to hackneyed, combat, political phrases. But this I promise: to charge myself and hope all of you to be similarly concerned and charged to action.

Action is needed now; aggressive, ceaseless action to push our American Merchant Marine affairs in Washington. We must be the leaders of the industry to enlist the aid and coordinate the other maritime unions to action.

Action is needed within our organization to get it to be an organization with a positive atmosphere that can act and move ahead for the benefit of each man in our profession.

If you are interested in our future and like me, have a "feeling of responsibility and need — VOTE FOR BOB WRIGHT.

Joined M.M.&P. 1948
Masters License, date 6/19/67 issue 5-68
Member in good standing — never dropped or suspended

☐ Lloyd W. Sheldon

Events which threaten to extinguish democratic membership control of our Union have caused me to seek the office of International President.

I submit, that with the backing of an active, responsible, determined rank and file membership, and other elected officers responsive to the will of the membership, I can set our Union on a true course that will serve the membership.

The hiring hall is the backbone of our Union. Membership meetings are its guts. Both must be preserved and utilized fully to Guarantee that second class membership shall never be tolerated.

I propose to initiate a program, subject to ratification by membership referendum every step of the way, whereby, if adopted, every job will eventually be bid off the board, with a gradual phaseout, fair to all members, of company seniority system.

I endorse the Members For A Democratic Union Program and will do my every best to maintain and restore stable relationships with all other Maritime Unions.

I joined Local 33 March seventeen, nineteen forty-three. Transferred Local 88 nineteen fifty-seven. Continuous good standing. Master unlimited. 6-9, 1/19/68. Past International President. Former Local 88 President and Secretary Treasurer.

☐ Thomas F. O'Callaghan

Unlimited master, fifth issue. Presently the elected International President of our Organization. Served four years International Secretary-Treasurer/Contract Enforcement Officer, four years as an official on a local level. Have served as Chairman and/or Trustee of P&W plans, MATES PLAN and on INTERNATIONAL LABOR ORGANIZATION and INTERNATIONAL TRANSPORT WORKERS' FEDERATION.

Through my leadership —

— Offshore Locals are consolidated into the Pilot Division — steps have been taken to protect and improve the pilots' stature and economic conditions.

— The Inland Division is now being formed as is the Government Employees' and Shoreside Divisions.

— The prestige and influence of the MM&P is at its highest point. Very shortly we shall operate the finest technical training facility in the world.

— Our P&W Plans have been improved and are secured at levels never before attained.

I shall continue the fight to protect our jurisdiction, the master's primacy and the status of licensed deck officers.

I ask for your vote to continue this work and ask that you support all incumbent officers. They are the Masters, Mates and Pilots Team.

I request that the membership vote in favor of affiliation with ILA.

INTERNATIONAL EXECUTIVE VICE PRESIDENT

☐ George Vance

I joined the International Organization of Masters, Mates and Pilots, in April 1943, when I received my original Third Mates license. I now hold a valid unlimited Masters license, dated December 1970, issue number 6-9. I have never been suspended or dropped from the International Organization of Masters, Mates and Pilots.

I was elected and I have served as a Local Trustee for the past two terms in the International Organization of Masters, Mates and Pilots.

At present I am an active sea going licensed deck officer and have sailed in all ratings on my license on both freighters and tankers. I have been active in the Maritime industry for the past twenty-eight years.

☐ William M. Caldwell

William M. Caldwell — Master of Oceans, 6-9, February 6, 1970; Portland, Oregon. Sailed Master and all Licensed Deck Officer ratings, cargo and tanker.

Joining M&MP Local 90, February, 1941 — Suspended Non-Payment of Dues 11/15/48; Reinstated 5/23/51.

Experienced major negotiations, contract enforcement, Vacation, Welfare and Pension Plans.

Elected and served from 1/1/62 to 10/1/70 as Portland Representative of MM&P Local 90.

Elected International Vice President in last International Election. At present am International Executive Vice President of the Organization.

I will continue to work for MM&P progress and stand for: MM&P affiliation with the ILA with complete MM&P autonomy guaranteed in order to strengthen MM&P's negotiating position, advance their trade union program and stabilization of the industry.

An American Flag Merchant Marine manned by MM&P Licensed Deck Officers working for wages and working conditions, second to none.

Primacy of the Master.

Uniform Agreements, Welfare Plans and Pensions, Guaranteed lifetime pensions through solid financing with Union's pensions and departments equal priorities.

Organization of inland waters manning to meet requirements of new technology with goal of two crews for every job and guaranteed annual wage.

I endorse Thomas F. O'Callaghan for International President and Robert J. Lawen for International Secretary-Treasurer.

☐ Amos E. Koonce

Continuous membership in Local 88 since January 1946. Hold fourth issue Master's License dated March 13, 1967. My experiences cover all licensed capacities aboard dry cargo vessels, tankers and extensive on chemical tankers. Served on strike and ballot committees and Local 88 "Special Constitution Committee".

I'm Secretary Treasurer and co-founder of "Members for a Democratic Union" with members nationwide and growing rapidly.

Active preparing and distributing leaflets disseminating information on union affairs to membership. Deeply involved since MM&P news blackout. I am committed to membership's right to be fully informed and will insist on their right to decide.

Participated preparing "program for the membership" and committed to effecting the provisions therein.

Favor restoring and keeping our union democratic. Opposed to dictatorial powers given the International President and General Executive Board by the new Constitution.

Favor opening negotiations effecting a signed and clear "collective bargaining agreement".

I oppose consolidation of inland locals. Will protect the autonomous rights so they will not be further dictatorial powers imposed by the present Constitution.

Will protect the rights of membership duly elected to control their own affairs as set forth within the framework of the Organization. Dedicated to the best interest of licensed deck officers.

INTERNATIONAL SECRETARY-TREASURER

☐ Robert J. Lawen

Member of MM&P Offshore continuously since graduation from Kings Point in 1952. Hold Master's License unlimited, issue 3-6, Bachelor Of Science degree.

Having come ashore only within the past year, I know firsthand the problems being faced by the membership. Almost twenty years at sea, majority as Master, qualifies me to properly handle beefs and improve deficiencies in our contracts.

I am dedicated to maintaining the professional and respected image Masters, Mates and Pilots have historically enjoyed. Affiliation with the ILA will contribute to a more effective Officers' Union and I support our affiliation with the ILA.

As the present International Secretary-Treasurer I have participated in projects which have provided for will provide) significant benefits to the membership.

— establishment of a modern recordkeeping and information system to improve service to the membership.
— development of a new license examination to reflect Coast Guard testing based on Today's shipboard needs.
— Revision of the rules of the road to reflect the modernization of today's ships.
— test many future Questions concerning improved licensing procedures (radiotelephone, etc.)

Your help — through your vote — will permit me to continue our work.

I ask your support of President O'Callaghan, Vice-President Caldwell and our incumbent port officials.

☐ George H. Balcer

I joined the MM&P Local 88 on December 11, 1941 book number 1081. I belong to the Marine Society of the City of New York and the U.S.N.R.

I have a Masters license any gross tons, oceans, issue 6-9 at the Port of New York April 19th, 1969, and first class Pilot New York lower bay. I have never been suspended or dropped from the MM&P.

I started to sea as a Company Cadet on the Ward Line Ship S/S Monawa in 1935. I sailed as Cadet, AB, Quartermaster, Bosn, until attending Fort Trumbull, New London, Conn. in the first class June to December 1941. Received my 3rd Mates license on December 10, 1941. Sailed with AGWI Lines during WW2. Later sailed with the Corps of Army Engineers, Black Diamond, Triton, and in 1951 came with Prudential Lines as Chief Mate, went Master of the Fordham Victory in 1957, then the Newberry Victory, Mauna Victory, Attleboro Victory, Prudential Seas, and at present, Master of the Lash Espero Prudential-Grace Lines, Inc.

I feel that my background at sea and my years of service as Master has given me the experience and qualifications necessary to serve your best interests as International Secretary-Treasurer.

☐ Charles O. Horstrand

I joined Local 88 January 1943 and transferred to Local 24 July 1961. Have never been suspended or dropped. Have served in all capacities, including Master. Valid unlimited Master License 337636 6-8 issue dated November 25, 1969 — with Radar and 1st Class Pilots endorsements. Also served the overall MM&P membership as the elected S. E. Florida representative of Local 24 for more than seven years and Convention Delegate.

During all these years, I always considered myself MEMBER first and an official second, with ALL MEMBERS' RIGHTS as the PARAMOUNT PRIORITY. Personally, I am First Last and Always an IOMM&P MEMBER.

Your vote to elect me will guarantee effective membership representation and a strong viable Union that can and will protect your Jobs and Pensions, and that will be my full-time task.

Now is the time for all members to really express their desires by simply voting for candidates whom you believe will truly represent you with honesty and integrity to the best of their ability.

The team of Sheldon, Koonce, and Horstrand is Pledged and Committed to return MM&P to Membership Control and the principles of Members for a Democratic Union.

(TURN PAGE)

EXHIBIT D

CANDIDATES FOR OFFSHORE DIVISION OFFICE FOR THE PORTS OF SAN FRANCISCO, SEATTLE, PORTLAND and WILMINGTON (California)

ISM SEP 16 PM 2:23

VICE-PRESIDENT, OFFSHORE DIVISION (Pacific) PORT AGENT (SAN FRANCISCO) & CONVENTION DELEGATE

(VOTE FOR ONE)

- ☐ Harry Friedman
- ☐ Jack Ofelt, Jr.
- ☐ Orion A. Larson

EXECUTIVE ASSISTANT PORT AGENT (SAN FRANCISCO)

(VOTE FOR ONE)

- ☐ George M. Tuttle, Jr.
- ☐ Richard M. Olson
- ☐ George Somarelo
- ☐ Raymond A. Wood, II
- ☐ Virgil G. Valentine

ASSISTANT PORT AGENT No. 1 (SAN FRANCISCO)

(VOTE FOR ONE)

- ☐ George A. Perry
- ☐ Lloyd M. Martin

ASSISTANT PORT AGENT (SAN FRANCISCO)

(VOTE FOR TWO)

- ☐ David F. York
- ☐ Edward M. Caldwell
- ☐ Mayer R. Armbrust

DISPATCHER (SAN FRANCISCO)

(VOTE FOR ONE)

- ☐ Michael Kay
- ☐ Harold E. Mannering
- ☐ Albert E. J. Duggan
- ☐ W. C. Jackson

PORT AGENT (SEATTLE)

(VOTE FOR ONE)

- ☐ Arthur E. Pierce
- ☐ Frank B. Cain
- ☐ Floria Dente
- ☐ R. J. "Rupe" Soriano
- ☐ James N. Haverfield

TEAR HERE

PORT AGENT (PORTLAND)

(VOTE FOR ONE)

- ☐ Charles W. Wallace
- ☐ George P. Foldan
- ☐ Maurice B. Shuman
- ☐ D. C. Dunn
- ☐ Roy E. Perry
- ☐ Arthur G. "Bud" Morriss
- ☐ Norman Ralph

PORT AGENT (WILMINGTON)

(VOTE FOR ONE)

- ☐ Edward L. Wheeler
- ☐ Frank Burka
- ☐ Richard T. Dara
- ☐ Henry C. "Hank" Walther
- ☐ Guy M. Duggan
- ☐ Theodore G. Anderson

ASSISTANT PORT AGENT (WILMINGTON)

(VOTE FOR ONE)

- ☐ Robert L. Edmonds
- ☐ Mick Barbara
- ☐ Robie A. Lindsay
- ☐ Arthur J. Mashl
- ☐ W. H. Abbey
- ☐ William "Bill" Morel
- ☐ Frank L. Allen
- ☐ John Haring
- ☐ Jerome L. Sawyer

TEAR HERE

CANDIDATES FOR CONVENTION DELEGATE

(VOTE FOR FOUR)

- ☐ R. J. "Rupe" Soriano
- ☐ Robie A. Lindsay
- ☐ Alex Plesha
- ☐ Frank L. Allen
- ☐ William M. Caldwell
- ☐ Edward L. Wheeler
- ☐ Thomas K. Earle
- ☐ Richard T. Dara
- ☐ Henry C. "Hank" Walther
- ☐ Virgil G. Valentine
- ☐ Charles W. Wallace
- ☐ Jack H. Magansson
- ☐ Floria Dente
- ☐ James N. Haverfield
- ☐ Michael Kay
- ☐ George Charlot
- ☐ Harry Friedman
- ☐ Maurice B. Shuman
- ☐ W. H. Abbey
- ☐ William "Bill" Morel
- ☐ Edward M. Caldwell

EXHIBIT D

1971 ELECTION OF INTERNATIONAL, OFFICERS DIVISION & VICE PRESIDENT OFFICERS

Voting Instructions - Read Carefully

General Information

This election is being conducted by the American Arbitration Association under the supervision of the International Ballot Committee elected at the 1971 Convention: Robert Nelson, Chairman; George Eisenhauer, Price Mitchell, Lester Reynolds, and Joseph Valenti.

Instructions

These rules have been adopted to insure the secrecy of your vote. Do not sign, initial or make any mark on this ballot other than the mark in the box of your choice.

1. When you have indicated your votes, fold and seal this ballot in the envelope marked SECRET BALLOT and seal the envelope.

2. Place this Secret Ballot envelope in the larger envelope and clearly print or type your name, address, subordinate body and book number in the space provided in the upper left corner. Also, be sure to SIGN your name in the space provided.

3. Seal this pre-addressed, postage-paid envelope and mail as soon as possible. No postage is required if mailed in the United States.

Any return envelope on which the happiness number is mutilated will void the ballot. This number is for security purposes only. All returned envelopes shall remain unopened until counted by the impartial balloting agency in the presence of the International Ballot Committee.

IMPORTANT – IN ORDER TO BE COUNTED YOUR BALLOT MUST BE RECEIVED IN NEW YORK BY MIDNIGHT, DECEMBER 21st, 1971.

EXHIBIT D

(Vice-Presidential candidates)

(International Executive Vice President)

☐ [illegible]

[illegible] Pilot Licensed [illegible]

I am [illegible] Pilot, a man with [illegible] of our problems. [illegible] Pilot, [illegible] regard our profession as a career and [illegible] a man of action, give me your vote.

I am not content to remain in [illegible], combat, position [illegible] this I promise: to [illegible] you to be militantly concerned [illegible] to action.

Action is needed within our organization to get it to be run or [illegible] with a positive atmosphere that can [illegible] may move ahead for the benefit of each man in our profession.

If you are interested in our future and like me, [illegible] responsibility and hope — VOTE FOR GOD KNIGHT.

Joined M.M.P. 1945
Masters license date 6/19/67 issue $-8
Member in [illegible] standing — never dropped or suspended

☐ Lloyd W. [illegible]

Events which [illegible] in the most democratic membership [illegible] of our [illegible] caused me to seek the office of International President.

I submit, that with the [illegible] an active, responsible, dedicated [illegible] committee-ship, and other [illegible] officers responsive to the will of the membership, I can [illegible] our union on a true course that will serve the membership.

The [illegible] is the backbone of our Union. Membership meetings [illegible] its halls. Halls must be preserved and [illegible] family to [illegible] that second class membership shall never be tolerated.

I propose to initiate a program, subject to ratification by membership referendum every step of the way, whereby, if accepted, every job will eventually be [illegible] off the board, with a gradual phaseout, fair to all members of company seniority system.

I endorse the Members For A Democratic Union Program and will do my level best to humanize and restore stable relationships with all other Maritime Unions.

I joined Local 90 March seventeen, nineteen forty-three. Transferred Local 3 nineteen fifty-seven. Continuous good standing. Master [illegible] limited, 6-9, 1/19/58. Past International President. Former Local 68 President and Secretary Treasurer.

☐ Thomas F. [illegible]

[illegible] presently the [illegible] our Organization [illegible] Secretary Treasurer-[illegible] Officer four years in succession [illegible] have served as Chairman and [illegible] MMP PLANS, MATES PLAN and on [illegible] MARITIME LABOR ORGANIZATION and [illegible] INTERNATIONAL TRANSPORT WORKERS FEDERATION.

Therein my leadership —
— Offshore Locals now [illegible] standards and service to the membership greatly improved.
— Pilot Locals are consolidating into the Pilot Division — steps have been taken to protect and improve the pilots' stature and economic conditions.
— The Inland Division is now [illegible] formed as is the Government Employees and Shoreside Divisions.
— The prestige and influence of the MM&P is at its highest point. They shall [illegible] operate the finest technical training [illegible] in the world.
— Our P&W Plans have been improved and are secured at levels never before attained.

I shall continue to fight [illegible] of our jurisdiction, the [illegible] primacy and the status of licensed deck officers.

I ask for your vote [illegible] this work and ask that you support all incumbent officers. They are the Masters, Mates and Pilots team.

I request that the membership vote in favor of affiliation with [illegible].

(International Secretary-Treasurer)

☐ George Yates

I joined the International Organization of Masters, Mates and [illegible] 1938, when I received my [illegible] I now hold a valid unlimited [illegible] license, dated December 1970, issue number 1. I have never been suspended or [illegible] from the International Organization of Masters, Mates and Pilots.

I was elected and I have served as a Local Trustee for the past [illegible] in the International Organization of Masters, Mates and Pilots.

At present I am an active sea going licensed deck officer and have sailed in all ratings on my license on both freighters and tankers. I have been active in the Maritime industry for the past twenty-eight years.

☐ [illegible] William M. Caldwell

William M. Caldwell — Master of Oceans. 53 Seniority. [illegible] Portland. Chief [illegible] Steam and all Licensed Deck Officer ratings. Earth and [illegible].

[illegible] F. January, 1911 — Suspended, Non-Payment of Dues (1/15 to, Reinstated 6-23-71.

Experienced [illegible] negotiations, contract enforcement, Vacation, Welfare and Pension Plans.

Elected and served from 1-1-70 to 10-1-70 as Portland Representative of MM&P Union 30.

Elected International Vice President in last International Election. At present am International Executive Vice President of the Organization.

I will continue to work for MM&P progress and stand for MM&P affiliation with the ILA with complete MM&P autonomy guaranteed in order to strengthen MM&P's negotiating position, advance their trade union program and stabilization of the industry.

An American Flag Merchant Marine manned by MM&P Licensed Deck Officers, working for wages and working conditions, second to none.

Primacy of the Matter.

Uniform Agreements, Welfare Plans and Pensions. Guaranteed lifetime pensions through solid financing with widow's pensions and dependents rights protected.

Opposition to reduced manning to meet impact of new technology, with goal of two crews for every ship and guaranteed annual wage.

I endorse Thomas F. O'Sullaghan for International President, and Robert J. Lowen for International Secretary-Treasurer.

☐ Anne B. [illegible]

Continuous member in Local 5 since January 1968. Held four [illegible] License dated March [illegible] endorsements cover all licensed subsidiary [illegible] of tanker vessels, tankers and [illegible] on chemical tankers. Served on various [illegible] committees and Local 98 "Social Committee" [illegible].

I am Secretary Treasurer and [illegible] Co-founder of "Members for a Democratic Union" with members nationwide and growing rapidly.

Active organizing and distributing leaflets disseminating information on union affairs to membership. Deeply involved since MMP [illegible] out. I am committed to membership's right to be fully informed and will insist on their right to decide.

Participated preparing program for the membership and committed to effecting the provisions therein.

Favor restoring and [illegible] our union democratic. Opposed to dictatorial powers given the International President and General Executive Board by the new Constitution.

Favor opening negotiations affecting a signed and clear collective bargaining agreement.

Oppose consolidation of inland locals. Will protect their autonomous rights so they will not suffer dictatorial powers imposed by the present Constitution.

Will protect the right of member MM&P pilots to control their own affairs as ship pilots within the framework of the Organization. Dedicated to the best interest of licensed ship's officers.

(International Secretary-Treasurer)

☐ Robert J. [illegible]

[illegible] Master of [illegible] Steam and all Licensed Deck Officer ratings. Coast and [illegible].

[illegible] Pilot [illegible] Pilots [illegible] Pilots [illegible] Pilots

FIRST CLASS
PERMIT NO. 1633
BRONX, NEW YORK

NO POSTAGE STAMP NECESSARY IF MAILED IN THE UNITED STATES

STATE ZIP CODE

AMERICAN ARBITRATION ASSOCIATION
C/O SAFE DEPOSIT VAULT
AMERICAN BANK & TRUST CO.
301 EAST FORDHAM ROAD
BRONX, NEW YORK 10458

182

D-3

EXHIBIT D

AMERICAN ARBITRATION ASSOCIATION

- x

In the Matter of the Election of Officers of the International Organization of Masters, Mates and Pilots.

Case No. 1350-0038-71

- x

August 27, 1971
10:30 A.M.

American Arbitration Association
140 West 51st Street
New York, New York

B e f o r e :

ERIC SCHMERTZ, ESQ.,

Arbitrator.

BEST COPY AVAILABLE

PROFESSIONAL REPORTING SERVICE
132 NASSAU STREET
NEW YORK, N. Y. 10038
227-0033

EXHIBIT E

APPEARANCES:

MARVIN SCHWARTZ, ESQ.
243 Waverly Place
New York, New York

JOHN HAROLD, ESQ.
150 Broadway
New York, New York

BURTON H. HALL, ESQ.
401 Broadway
New York, New York

Present:

MRS. MARGARET CARLSON, American Arbitration Association
MR. SAM TANNENBAUM, American Arbitration Association

HENRI NEREAUX
L. BURLINGAME
VICTOR SOTO
AMOS KOONCE
LLOYD SHELDON
JOHN MORALIS
FRANK SCAVO

- - - - -

THE ARBITRATOR: Mr. Hall has ordered the stenographic record and is paying for it, but a copy is to be supplied the Arbitrator.

MR. HALL: I expect so, yes.

MR. SCHWARTZ: We'll pay for our copy, of

BEST COPY AVAILABLE

course.

MR. HALL: Are you asking for a copy or do you want to share the cost?

THE ARBITRATOR: Off the record.

(Discussion off the record)

THE ARBITRATOR: Mr. Schwartz, on behalf of the International Union, withdraws his request for a copy of the stenographic record.

MR. HALL: I see two lawyers on the other side of the table, one retained by the International Union and one by Local 88.

So far as I know, neither of those two organizations is a party to this proceeding.

I would like to ask Mr. Schwartz and Mr. Harold whom they represent here, which candidates.

MR. HAROLD: Mr. Schwartz will answer.

MR. SCHWARTZ: I represent the International and Mr. Harold Local 88 and working in assisting me.

MR. HALL: Are either of those two parties to the proceedings?

MR. SCHWARTZ: Yes.

MR. HAROLD: The Union is very much an entity here and very much represented by counsel.

THE ARBITRATOR: Let's see if we can have an agreement on who the parties are to this proceeding.

MR. HAROLD: Before we do this--it may save a lot of time -- the way this matter comes up is this:

At the time of the selection of the Ballot Committee, which, under the processes of the Masters, Mates and Pilots, is done at its regular International convention, the Ballot Committee asked for a statement in the form of a resolution, or some expression of thought as to what to do about the problem of men who had accepted as candidates for more than one office.

The convention recommended that the matter be arbitrated.

Actually, that's not binding on the Ballot Committee and is simply a recommendation.

We've had some scheduling problems. Originally, it had been our understanding that this matter was going to be scheduled for Wednesday of this week. Burt was tied up. And then there was some problem getting ahold of him. And our problem with our people is they're out of

town. We have people coming in from the West Coast and the Gulf and places like that. For a while it was thought Burt might not be free until next week, but then I gather Mrs. Carlson got ahold of him and he said he will be free today.

At this point, we had some wires crossed. I had hoped to have the Ballot Committee in and to deal with this problem Thursday, but that scheduling became difficult, and the Ballot Committee now can not come in and would not meet until Monday.

Now, under that circumstance, it seems to me that we've gotten the cart before the horse. It may very well be, when the Ballot Committee meets and Burt comes, we can work out something. But, in any event, the Ballot Committee really must act first.

MR. HALL: When are the ballots going out?

MR. SCHWARTZ: As soon as we can. I guess in a couple of weeks. We would like to get it out within a few days.

THE ARBITRATOR: Are you saying the matter might be disposed of by the Ballot Committee

to everybody's satisfaction?

MR. SCHWARTZ: Yes. And it might be the Ballot Committee might say: "We're not going to follow the recommendations of the convention." It isn't likely.

In any event, it seems to me that the matter, just from our own processes, has to go through the Ballot Committee first.

It is urgent the matter be resolved. It's not that earth-shattering a matter.

Amos Koonce accepted for the office for the former local, not an International office, and accepted for the office of International vice president. So, I guess what he wants to do is to get off the local office, or New York office, and run for the other.

Well, there is a question if he accepted on the one, the first one, can he run for the second one. Then there is a problem of letting him get off the first one, because that ballot committee is gone, or should he stay on both.

We don't have any really monumental problem here. I guess the biggest problem is scheduling, really.

What we should do is to get before the Ballot Committee on Monday, and if we can't resolve it, I think we ought to get back quickly before you and see if we can't get the ballots out.

MR. HALL: Let me give a slightly different version of this.

Koonce was nominated for the Local office at a time when, because of the nature of this membership, it is very difficult for one member to be in touch with the other. He withdrew from that office before the question of his nomination for International office came up.

MR. SCHWARTZ: He accepted, though, what we call the former Local office.

MR. HALL: Then he withdrew from that.

These are seagoing membership, and, of course, it is difficult for one man to be in touch with the other; unless they happen to be officials in the rank and file, it is very difficult to get together as to the plans.

Because of the uncertainty, Koonce was in the position where he had tentatively accepted because he didn't know whether another member would

be available and then withdrew upon discovering that one of his allies was on the ticket. It was after that that he accepted the International vice president nomination.

Now, his withdrawal had been sent to the Local, given to the Local, addressed to the BAllot Committee of the Local. Apparently it never got to the committee. The president of the Local took it upon himself to send a letter to Koonce, summarily denying it.

Koonce is determined to exhaust, in good faith, the remedies to the organization, and we consider this one of the remedies -- in reference to this arbitration -- and it is understood to be figured by all of us. It is not binding on anybody -- at least not on Mr. Koonce -- afterwards. Mr. Schwartz says it is not binding on the Union.

MR. SCHWARTZ: It is not binding we go to arbitration, but, if we go, then it will have to be binding.

MR. HALL: Of course, we do not waive any other remedies Mr. Koonce may have under the law.

However, we are here to point out that it is the past practice, both of the International and

the Local -- very recent past practice -- to allow withdrawals. In the 1968 elections, one man was allowed to withdraw -- Mr. Pollocheck -- after the ballots had been printed. In the same year, about the same year -- that was in 1965 -- excuse me. In 1968, the International allowed a man by the name of Price Mitchell to withdraw from nomination for the office of International first vice president. This was considered a reasonable request, and the withdrawal was accepted.

That, as I understand it, is the practice both of the International and of the Local, and it should be followed here, even though the person applying is a rank-and-filer.

Apparently, the only reason why this man was denied the right to withdraw is because he was a rank-and-filer. If his name was Gaier, Pollocheck or Scavo, I don't think he'd have any difficulty.

MR. HAROLD: You will substantiate that with specific proof, of course.

MR. HALL: I think it is inherent in the record.

MR. HAROLD: May I --

THE ARBITRATOR: Mr. Harold.

MR. HAROLD: I've been trying not to interrupt, as a sense of courtesy, but I would like to have come in sooner, because -- at least in our experience in dealing with Local 88 elections under the same format, with the American Arbitration Association -- my best recollection on that is -- and I believe it's accurate -- we have not thereby removed from authority the elections and objections or balloting committee and its powers and functions. All we have allowed, in our procedures, is that any member feeling aggrieved from a ruling of such balloting committee has a right to ask review by the AAA, that it chooses an arbitrator.

I cannot conceive, as a trade-union lawyer for so many years, that we come to an arbitrator to set our rules. We have, however, agreed the rules as established by the authority of the organization may be appealed by a person aggrieved.

The authority for the determination of the propriety of a withdrawal, or eligibility, the elections and objections committee -- when I was in Local 42 30 years ago -- it is the same kind of committee that has the constitutional authority

delegated to it by the International constitution and the convention to run the elections. You are selected as an aid in that process, principally to see to the impartial sending-out of the ballots and impartial receipt of the ballots and tally of the ballots. If there be rulings concerning eligibility, there must be rulings established, then, as I see the picture. The resolution of the International convention has said that ruling can go to an arbitrator in this case.

MR. HALL: I'm wondering why the Ballot Committee of Local 88, New York branch, which Mr. Harold represents, was not allowed to meet and consider Mr. Koonce's withdrawal. Instead, it was given to Mr. Gaier, simply to send a letter refusing.

MR. HAROLD: As to that latter question, I don't want to argue at this point because I don't think we have reached it. I'm not presupposing what the Ballot Committee may do, but I don't want to twice get involved in argumentation concerning merit.

THE ARBITRATOR: Sir, are you saying what Mr. Schwartz said earlier, whatever my authority is, advisory or mandatory, that it follows the action of

the Ballot Committee in connection with the specific problem presently before us -- namely, whether or not this particular candidate can withdraw -- that the first action on that question has to be taken by some internal committee of the organization -- namely, the Ballot Committee -- that thereafter, if there is a contention they acted contrary to the rules and regulations of the Union, that that, then, is an appealable matter to arbitration, either before me or the American Arbitration Association?

MR. HAROLD: That is my position.

THE ARBITRATOR: So we have this procedural problem, if it is a problem -- at least this procedural contention raised by both the International and the Local.

Is the Ballot Committee supposed to meet on Monday?

MR. HAROLD: I so understand.

THE ARBITRATOR: And is going to take some action in connection with --

MR. HAROLD: It would be their responsibility to hear and act upon it.

MR. HALL: First of all, there are two

ballot committees: the New York branch and the International one. The New York branch is the one Mr. Harold represents.

If what Mr. Harold is saying were true, it would seem to me impossible that the Local Ballot Committee could have been pre-empted by the port agent for the present Local, Mr. Gaier. Apparently the withdrawal was handed to Mr. Gaier, addressed to Mr. Scavo, for the Ballot Committee, and Mr. Gaier gave it to nobody but simply answered it by refusing the withdrawal. If the approval of the Ballot Committee is so important, I would like an explanation.

The second matter as to the procedural objection, it is my understanding -- perhaps they can produce the actual resolution -- the International convention, the highest body in this Union, has referred this matter to the American Arbitration Association. How they can say the lower body within the Union now takes over again before the AAA can resolve this for the Union, I can't imagine. This is an appeal taken to the convention, and it has resolved it in this fashion, by referring it to this body.

I assume, Mr. Schmertz, you should consider yourself as a committee for the convention, in a sense, that you are solving a question for the convention. Where the Ballot Committee comes in, I can't imagine. That's a step that's been bypassed by the convention itself.

MR. HAROLD: There is a certain factual inaccuracy in the statement. Neither Mr. Gaier nor Mr. Scavo is a candidate. I was very certain they so understood it, and I would be responsible as to this advice. They had absolutely no right or duty to judge on Mr. Koonce's application to the Local Ballot Committee concerning his right to withdraw.

It was their opinion, and mine, that, after the acceptance and determination of eligibility by the Local Balloting Committee under the new structure of the International Union, the election is run not by any Local election committee but by the International, since there has been a consolidation of locals in the districts.

MR. HALL: Are you saying, Mr. Harold, there has been no action taken on the withdrawal of Amos Koonce?

MR. HAROLD: I am quite willing and able

to explain on the record what Local 88 did.

MR. HALL: What did Local 88 do?

THE ARBITRATOR: I think we're going to have to decide whether there is going to be an arbitration today and, if there is going to be an arbitration today, what the issues are in it and whether the International and Local are parties to it and whether their participation as parties is a necessary part of getting an arbitration under way.

Some reference to resolution by the International convention, referring something to arbitration, was made. Maybe that ought to be produced.

I'm reluctant to make a decision on the jurisdictional question.

MR. SCHWARTZ: I guess we have to argue some of the merits. Burt really knows this, and so does Lloyd, who is sitting here. The procedure has to be the Election Committee has to meet first.

THE ARBITRATOR: The same thing as the Ballot Committee.

MR. SCHWARTZ: Yes.

MR. HALL: Where does that come from?

this. We'll give you the answers to what you're asking.

MR. HALL: I understand the ballots were not watermarked, but they were stamped --

THE CHAIRMAN: We're going into the same thing. I declare this meeting recessed then until 2:30.

MR. SCHWARTZ: Why do we come back at 2:30? After the committee is finished, or if they need any additional information, I believe the agreement was that we would talk a little bit about it, even if nothing else but to get an idea of how many observers we're going to have.

Now, if you've got a specific question as to the safeguards that were taken, I think that's going to be done fairly soon. That's obvious. If you want some explanation from Margaret, I'm sure she'll be ready to give it to you.

THE CHAIRMAN: Is that time all right with you, gentlemen, 2:30?

MR. BURLINGAME: 2:30.

MR. HOLDEMAN: Mark it 2:45. Then I can go

to a two o'clock job call.

MR. EISENHOWER: Make it three.

MR. SCHWARTZ: Three o'clock?

MR. EISENHOWER: Yes.

MR. SCHWARTZ: Three o'clock.

THE CHAIRMAN: Three o'clock.

The meeting is recessed until three o'clock.

(This meeting then adjourned until 3:00 o'clock P.M.)

AFTERNOON SESSION

(3:00 o'clock P.M.)

(At this point, there was a discussion off the record.)

MR. SHELDON: Mr. Chairman, I'll avail upon your patience to allow the court reporter to sit in.

MR. HALL: I would like to take a short recess.

MR. SCHWARTZ: We're not going to read it, Butt, under these circumstances. We'll recess the meeting if you're going to do that.

MR. HALL: I would like to know from the

Ballot Committee.

THE CHAIRMAN: We'll have to recess the meeting. We're trying to do it according to --

MR. HALL: You mean you're not allowing a person who we brought with us --

MR. SCHWARTZ: Because of the understanding we had.

MR. HALL: I know of no such understanding.

MR. SCHWARTZ: All right. You make your objections later, Burt.

MR. HALL: And you refuse to hold the meeting?

MR. SCHWARTZ: Exactly.

MR. HALL: Because there is a record being taken?

MR. SCHWARTZ: Because we were supposed to have the meeting without a reporter. This is your reporter. We would have had the reporter come back.

MR. HALL: By whose say-so?

MR. SCHWARTZ: That's the understanding you and I had.

MR. HELDEMAN: I was the one who insisted on the reporter coming back. And I've always insisted on the reporter, and I've never agreed not to have one because of the simple reason that I know from previous experiences, that everything said by the Ballot Committee and person of the American Arbitration Association, have to be recorded because their minds change quite often.

MR. SCHWARTZ: All right.

THE CHAIRMAN: Just a minute now.

MR. HOLDEMAN: This is a matter of record from me, because of past experiences.

THE CHAIRMAN: If we would have known that this reporter was coming back, we would have had the other one. There was no argument about whether or not we were going to have a reporter, but there was a misunderstanding, apparently.

MR. HOLDEMAN: There was a misunderstanding apparently, because it seems to me every time a reporter is requested, there's an objection from the union officials that be, and the Ballot Committee that be, so we have to bring our own,

and then we all have a sudden --

MR. SCHWARTZ: Will you agree for us to be able to purchase a copy of it from the reporter?

MR. SHELDON: Sure, why not, certainly.

MR. SCHWARTZ: I had that problem the last time, and Burt said, "If you won't pay for the whole thing -- "

I'll pay for a copy. I'll pay for another copy.

THE CHAIRMAN: Is that agreeable?

MR. SCHWARTZ: All right. Then go ahead.

MR. SHELDON: Mr. Chairman, there's one thing I want to get into the transcribed record here, and correct me if I'm incorrect here.

You stated when you opened the meeting shortly thereafter, that the Ballot Committee is considering challenges, and has decided to go ahead with the count.

Now, I take that to mean that you have rejected our challenge, is that correct?

THE CHAIRMAN: No.

MR. SHELDON: Well, that's just what I wanted to get straight for the record. It seems to me inconsistent with the decision of a body in authority to make such a decision.

Are you holding your decision in abeyance?

MR. SCHWARTZ: Let me --

THE CHAIRMAN: Counsel will explain it.

MR. SCHWARTZ: We now have a record, and we have lawyers and everything like that. The decision of the Ballot Committee is that there's nothing that's been brought before them that they feel should hold up the count of the election.

MR. HALL: Well, then is our challenge denied?

MR. SCHWARTZ: Burt, you can make whatever of it you want.

MR. HALL: I think we're entitled to an answer. It's denied insofar as it will prevent us from counting the ballots?

MR. SCHWARTZ: That's correct.

MR. HALL: Well, in what respect is it not denied?

MR. SCHWARTZ: I'm not going to elaborate on it.

MR. HALL: I think we're entitled to an answer on this.

MR. SCHWARTZ: I know you do, but we're not going to elaborate.

MR. HALL: You say it's denied to some degree, but you won't tell us whether it's denied to any further degree, is that correct?

MR. SCHWARTZ: You want to paraphrase it, and play games, be my guest.

MR. HALL: Is it not denied to some degree?

MR. SCHWARTZ: Burt, you're not going to cross-examine me. We just told you what the situation is.

Now, if you don't --

MR. HALL: I'm asking a question. I would like an answer.

MR. SCHWARTZ: Would you like to move to the next issue?

MR. HALL: Mr. Schwartz, let me put my question for the record. I'm asking if there's

any degree or extent where an appeal or a challenge is not denied. May I have an answer to that question?

MR. SCHWARTZ: You have an answer.

MR. HALL: What is it?

MR. SCHWARTZ: The answer I gave you stands.

MR. HALL: What is the answer you gave?

MR. SCHWARTZ: If you didn't hear it the first time, the court reporter will read it back to you.

MR. HALL: Then you're refusing to give me an answer?

MR. SCHWARTZ: You already have an answer.

MR. HALL: I'm putting the question to the Chairman of the Ballot Committee.

Are you refusing to give me an answer?

THE CHAIRMAN: Mr. Schwartz told him to have the court reporter read it back to you.

MR. HALL: What are you telling him?

MR. SCHWARTZ: Burt, if you keep this up, we're going to recess this meeting.

MR. HALL: You tell me what you're going to

tell me.

MR. SCHWARTZ: If you keep this up, we're going to recess the meeting, is that what you want?

MR. HALL: It's up to you, Mr. Schwartz.

MR. SHELDON: Mr. Chairman.

THE CHAIRMAN: Yes.

MR. SHELDON: On the basis of the replies that you've made to some of these challenges, and particularly the last two on the third page, that you're going ahead to count the ballots, and that no action is going to be taken on these, except perhaps in an individual's specific case; I want to reinstate these two challenges again, reaffirm them.

I've already made them. Now, I'm reaffirming them. One is: I challenge all ballots not postmarked in accordance with the requirements of the I.O.M.M.&P. Constitution, Article V, Section 8(f), and number two, I challenge any and all ballots voted by persons whose standing with regard to payment of dues is not confirmed

at the ballot count by the official record required by the I.O.M.M.& P. Constitution, Article VI, Section 3, to be kept by the International secretary-treasurer.

MR. SCHWARTZ: So reported.

MR. HALL: Now, I'd like the Ballot Committee to be instructed to tell us what the effect of this election is going to be if it is holding in abeyance the challenge that's been made to them.

MR. SCHWARTZ: The Ballot Committee has decided that they are going to start the count tomorrow.

MR. HALL: And you're waiting to see who wins, is that correct?

MR. SCHWARTZ: Don't put words in my mouth. I made my statement.

MR. HALL: Then why don't you pass now on our challenges before you see who wins it?

MR. SCHWARTZ: Burt, if you have anything else along this line, all right; otherwise, we're going to move on to something else, or close this meeting.

MR. HALL: Are you the dictator here?

THE CHAIRMAN: It becomes obvious, if you want to inject this attitude toward the meeting, it's obvious --

MR. HALL: I'm asking this question to the Ballot Committee in the hope of getting an answer.

THE CHAIRMAN: You're acting as a spokesman for the people you're representing down there, and Marvin Schwartz is representing me.

MR. HALL: Is the membership Ballot Committee unable to speak for itself?

THE CHAIRMAN: If no one else has anything, we're to adjourn the meeting.

MR. HALL: About Mrs. Carlson, we'd like to see how she did it. Mrs. Carlson said that she scrambled the list.

MRS. CARLSON: I don't know right this minute, Mr. Hall. I took -- here's what I did. I took the branches. I don't know, I guess they were in alphabetical order or whatever, and I took Boston, or however they were. They were mixed.

How they did them, I don't even know at this point; but you can see them in the meantime.

MR. HEMMING: I wonder if there's been an opportunity to publish the names of the people who have actually voted in this election?

MR. HALL: Let's not be secret about it.

MR. NEREAUX: It's not how, but who voted.

MR. HOLDEMAN: Every time you run a municipal election, it's public property.

MR. NEREAUX: It was requested once before.

MR. SCHWARTZ: Yes. I guess it's stamped on the dues card whether we voted or not.

MR. SCAVO: What's stamped on any dues card?

MR. SCHWARTZ: Whether we had it or not.

MR. SCAVO: We never had it.

MR. REYNOLDS: Mr. Chairman, it would seem to me, if I vote, I have a right to keep whether I voted or not as well as my vote secreted. It's my constitutional right.

MR. HALL: You have no such right in public election.

MR. REYNOLDS: You don't?

MR. HOLDEMAN: No, you don't.

MR. SCHWARTZ: We'll meet that when we come to it.

MR. HEMMING: Another thing: I understand that you have to pay about ten cents for each letter that is delivered, is that correct? Do you have a Xerox copy of the letter?

MRS. CARLSON: I can't show you a Xerox copy. We don't have the bills. The banks have it.

MR. SCAVO: Mr. Chairman, let me ask you a question.

THE CHAIRMAN: Mr. Scavo?

MR. SCAVO: A question is going to be, that a lot of ballots cast for guys who are not really entitled to vote, or have their vote counted, is that what they're asking to have all those?

MR. SCHWARTZ: We'll have the list tomorrow.

MR. SCAVO: Only those that are considered valid?

MR. NEREAUX: Just the valid ones, because there's a list here we made up before, we pooled

during the merger. It's a hundred and some odd -- two of them, they were suspended, dropped dead, et cetera.

MR. SCAVO: Because a guy might be entitled to a ballot when the ballot comes out, and then when it comes out, ninety days later he's not entitled to vote.

MR. SCHWARTZ: Brother Hemming, do you have anything further?

MR. HEMMING: No, that covers me. I guess we'll have another opportunity tomorrow if something else comes up.

MR. SCHWARTZ: Yes.

MR. NEREAUX: I would like to add another challenge.

MR. SCHWARTZ: All right.

MR. NEREAUX: I'm objecting to a spot check signature check, instead of the whole entire membership, which has been done of Local 88 in the past years.

MR. SCHWARTZ: You protest that?

MR. NEREAUX: I protest.

BEST COPY AVAILABLE

THE CHAIRMAN: Anything further?

This meeting stands recessed until tomorrow morning, nine o'clock. Nine o'clock tomorrow morning.

(At this point, the meeting was adjourned to 9:00 o'clock P.M., December 22, 1971.)

* * *

INDEX

Hall Exhibits:	Description	Page
1	Letter of 12/21	8
2	Letter of 12/13/71	10
3	3-page letter of 12/7	19
4	Letter of 12/13	19
5	Letter of 12/13	19
6	Letter of 10/11/71	20
Sheldon Exhibits:		
1	Letter of 12/21	21
2	Letter of 12/18	22
3	Letter of 12/21	22
4	Letter of Authorization	24
5	Letter of 12/18	24
6	Letter of 12/18	28
Burlingame Exhibit:		
1	Letter of 12/21	33
Hemming Exhibits:		
1	Letter of 12/21	35
Holdeman Exhibits:		
1	Letter of 12/17	36
2	Letter of 12/21	36

(Continued)

INDEX

(Continued) Holdeman Exhibits:	Description	Page
3	Letter of 12/21	38
4	Telegram	39
Nereaux Exhibits:		
1	Telegram	40
2	Letter of 12/17	40
3	Letter of 12/21	41
4	Letter of 12/21	42
5	Letter of 12/21	42

AFTERNOON SESSION: Page 51

* * *

Service of ~~three~~ Two 2 copies of the within Appendix Consisting of Eight Volumes is admitted this 21st day of May 19 76

Page 4 of 5364 n

United States Attorney for the
Southern District of Georgia
Attorney for the Appellee

2 Vols.

COPY RECEIVED
Robert B. Fiske, Jr.
UNITED STATES ATTORNEY
M. J. Bryant
5/21/76